

**CLARK COUNTY PLANNING COMMISSION  
MINUTES OF PUBLIC HEARING  
THURSDAY, AUGUST 21, 2003**

Clark PUD Community Room  
8600 NE 117<sup>th</sup> Avenue  
Vancouver, WA

6:30 p.m.

**CALL TO ORDER**

The public hearing of the Clark County Planning Commission was called to order at 6:30 p.m. by Chair, Vaughn Lein. The hearing was held at the Clark PUD Community Room, 8600 NE 117<sup>th</sup> Avenue, Vancouver, Washington.

Planning Commission Present: Dick Deleissegues, Lonnie Moss, Ron Barca, Carey Smith, Jeff Wriston, Vice Chair (late); Jada Rupley, and Vaughn Lein, Chair.

Planning Commission Absent: None.

Staff Present: Patrick Lee, Long Range Manager; Rich Lowry, Chief Deputy Prosecuting Attorney; Gordy Euler, Planner III; Sandra Towne, Planner III; Dave Howe, Habitat Biologist; Linda Moorhead, Code Enforcement Manager; Donna Goddard, Code Enforcement; and Sonja Wiser, Administrative Assistant.

Other: Cindy Holley, Court Reporter, and Cathy Corliss, Angelo Eaton & Associates.

**GENERAL & NEW BUSINESS**

**Approval of Agenda for August 21, 2003**

The agenda for August 21, 2003, was approved as distributed.

**Approval of Minutes for June 12 & June 18, 2003**

**MOTION** was made by Lonnie Moss and **Seconded** by Jada Rupley to **APPROVE** the Minutes for June 12 and June 19, 2003. **MOTION WAS APPROVED** by unanimous voice vote of all members present.

**Communciations from the Public**

None.

LEIN: Before we get into the public hearing I have a feeling that most all of you are here for the home occupation ordinance. That's the last item on the agenda. We will be continuing this hearing to a date certain and location. Would be Thursday, September 18th. It will be at the new Clark County Administration Building. The meeting starts at 6:30 and the hearing will be on the 6th floor. So if there are people who don't want to stick around for the other parts of the hearing tonight, we will be continuing it. We will also be having a workshop on this between now and that hearing time. So we just wanted to let you know. There's quite a few people in the room and if you didn't want to stick around, I wanted to let you know.

AUDIENCE: When's the workshop?

WISER: Thursday, September 4th.

LEIN: September 4th.

AUDIENCE: Did you say that meeting would be September 18th?

LEIN: Correct. It's Thursday, September 18th, at the new administration building, 6th floor, in the hearings room. Okay.

#### **PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION:**

##### **Docket 2003-063: AMEND CLARK COUNTY CODE 13.51, PRIORITY HABITATS AND SPECIES MAPPING.**

Revisions to priority habitats and species mapping are periodically generated by the Washington Department of Fish and Wildlife (WDF&W) and are adopted by reference under the Habitat Conservation Ordinance (CCC 13.51.050(2)(c) through the Docket process. This mapping revision involves the removal of the large species area currently in place over most of eastern Clark County. The deletion of the species area reflects a statewide policy shift regarding the management of deer in this area. The WDF&W will not map high deer density areas anymore. Instead, mapping will be focused on critical fawning grounds or winter yarding areas.

**Staff Contacts: David Howe, (360) 397-2375, Ext. 4598 or Sandra Towne, (360) 397-2375, Ext. 4544**

LEIN: Then we will continue on with Item A, the first item on the docket, priority habitats and species mapping.

TOWNE: Good evening. Sandra Towne, Clark County Long-Range Planning. Before you you have a revision to the priority habitat and species mapping on, and that is periodically generated by the Washington Department of Fish and Wildlife and adopted by reference under the Habitat Conservation Ordinance in the Clark County Code through

the docket process. This mapping update is consistent with the requirements of the State Growth Management Act. And the change is shown, we have two large maps for the audiences, the audience, and we also have a fold map in your booklet right behind the staff report, that's the new map and the old map. If you would like to see that so you can see the difference, Gordy said that he would hold that up. And it's the large map over to your, over the large, that's the new one, and, David, if you could turn that around for the audience as well. So it's that large green area to the east that will -- is no longer going to be on the map, so as this new one.

The mapping revision involves the removal of that large species polygon currently in place over most of the eastern Clark County area. The deletion of the species area reflects the statewide policy shift regarding the management of deer in this area. The Fish and Wildlife Department will not map high deer density areas anymore. Instead, they'll be mapping, their mapping will be focused on critical fawning grounds or winter yarding areas. And the adoption of the mapping change will help to improve customer service through the use of the most current mapping and to improve staff implementation of the Habitat Conservation Ordinance. So staff recommends to the Planning Commission to forward a recommendation of approval to the Board of Commissioners. Are there any questions?

LEIN: Any questions of staff?

DELEISSEGUES: I've got a question. What's a "heritage point buffer"?

HOWE: I'll hold you the map up here. Heritage point buffers are these circles. I'm sorry, David Howe, the County's habitat biologist. The heritage buffers are center ground like Bald Eagle nest sites, Sandhill Crane roosting areas, things like that.

DELEISSEGUES: Thank you.

HOWE: Yes.

### **PUBLIC TESTIMONY**

LEIN: Any other questions? Okay. We'll go down the sign-up list. Howard Cook, do you want to testify?

COOK: No, I didn't want to testify, I just wanted to sign in.

LEIN: Donna Liar or Liar.

AUDIENCE: No.

LEIN: Okay. Christopher Vinther. I could be wrong, I can't -- it looks like my handwriting which I can't understand so.

VINTHER: I'm here. Is this for the habitat?

LEIN: Yes.

VINTHER: I'm here for the home occupancy.

LEIN: Okay. You just signed up on the wrong one, okay. Basil Rotschy.

ROTSCHY: No thanks.

LEIN: Is there anyone else wishing to testify for or against this? Return to the Planning Commission. Desires of the Commission?

### **RETURN TO PLANNING COMMISSION**

BARCA: I have a question. These heritage point buffers, did any of them change?

HOWE: No.

BARCA: No. And they were all adopted previously?

HOWE: Correct.

SMITH: By doing this it seems it would give more protection to the really important deer areas as opposed to just glossing over everything that happens to be have concentration, so it should be a positive move as far as correcting.

BARCA: Which type of protection is afforded, then, for the areas that are shown as non-riparian areas?

HOWE: Once again David Howe for the record. That's not being proposed or changed here, those are previously adopted and protected under the County's Habitat Ordinance and mapped here, which is on the mapping.

BARCA: For my own clarification without regard to whether it's changed can you enumerate what type of protections are allotted?

HOWE: Non-riparian habitat would be associated with Oregon wetland woodlands, urban natural open space areas, things that, certain vegetation types that are sensitive to disturbance or rare in Clark County and therefore are determined by the State as a priority for conservation. So we would try to protect and plan developments around those areas.

BARCA: Okay, thanks.

LEIN: Any other comments or questions?

BARCA: No.

LEIN: Entertain a **motion**.

DELEISSEGUES: Yeah, I **MOVE** that we recommend approval and adoption of the new Title 40.

SMITH: **Second**.

LEIN: Moved and seconded. Any other discussion? Could we have roll call, please.

LEE: Oh, could I get a **correction on that motion**. It's not the Title 40, it was the habitat map. We hope that Title 40 goes very quickly.

DELEISSEGUES: If you hadn't said anything we would have -- okay. On priority habitat and species mapping, mapping changes.

MOSS: Well, I was certainly going to let it go, Pat. Yeah, we thought this was part of the new code restructure.

LEIN: And then we were going to go out the back door.

RUPLEY: We're all hiding in the cupboards.

LEIN: Could we have roll call with that clarification, please.

### **ROLL CALL VOTE**

MOSS:	AYE
BARCA:	AYE
SMITH:	AYE
RUPLEY:	AYE
DELEISSEGUES:	AYE
LEIN:	AYE

LEIN: It will be sent forward to the Board of County Commissioners. The next item on the hearing agenda is the new Clark County Unified Development Code. Mr. Euler.

**PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION,** continued

**B. ADOPT A NEW CLARK COUNTY UNIFIED DEVELOPMENT CODE PROPOSED TO BE CCC TITLE 40:**

Clark County began a process in October 2001 to restructure the Clark County development code. The goal of the project is to make the development code easier to use by putting all county development and environmental regulations into one document. This document is proposed to be the new CCC Title 40 Unified Development Code. In addition to the re-organization, part of this process has been a code 'clean-up' that involved 1) using a consistent format wherever possible; 2) correcting typographical errors and misreferences; and 3) using consistent terminology throughout the document. Some new language has been added that codifies current county practice, but the overall objective has been not to change anything of substance in the code.

The draft ordinance is available on the county's web page at [www.clark.wa.gov](http://www.clark.wa.gov) under Community Development/Long Range Planning/ Code Restructuring Project. Copies of the draft are also available on CD for \$5 in Customer Service, 1300 Franklin Street, 1st Floor, Vancouver, Washington.

**Staff Contact: Gordy Euler, (360) 397-2375, Ext. 4968.**

EULER: A moment if I may. Thank you, Mr. Chairman. For the record I'm Gordy Euler with Clark County Long-Range Planning. And Clark County began a process in October of 2001 to restructure the Clark County Development Code essentially because we have not had a systematic review or update of the code since 1980 and there's certainly been lots of, hundreds of ordinances passed in various formats since that time. The goal of the project, which we've called the code restructure project, has been, is a single title of the Clark County Code proposed to be Title 40, which is this document, and you have a copy, and the idea is to put all the regulations related to land development in one location. We developed a table of contents for the new title which was one of the first things that was done, along with Angelo Eaton & Associates. And to my left, incidentally, I should introduce Kathy Corliss who was the, our consultant on this project. We identified a list of regular users of the code. This was a group of developers, consultants and attorneys that served as a kind of a stakeholder list.

The first step after the table of contents was preparation of what was called a rough cut and at that point we, the new table of contents we reorganized the current code just to see what it would look like. And at that point we began looking at the challenges of putting all the development regulations into one chapter, things where there were gaps or inconsistencies, multiple definitions, some places where we knew that we were going to have to make some additional effort because we were consolidating chapters. We also contracted with Larry Epstein, a County hearings examiner, to help us in the identification and in some cases resolution of these issues. Since he deals with the code all the time we sought his advice in helping us over some of the rough spots.

We had our first open house in October of 2002, so essentially a year later, and the next

stop after that was to prepare a preliminary draft of the code, which was completed last February, and during this time we continued our efforts to standardize terminology and format, as well as to resolve these identified inconsistencies. We had a work session on what we call the public review draft, which is the document you have before you, with the Board on July 9th and at that time they gave us approval to go public with the draft of Title 40. The Title 40 is on the County Web page. Hard copies are at all of the County libraries. We put the document on a CD so it would be available to people. We've had staff in Public Works and the ESA Office review the copies, and we had a second open house on the public review draft held at the end of July.

Essentially the things that we've attempted to accomplish here in terms of organization, proposed Title 40 contains road and concurrency standards from the current Title 12; the Critical Areas Ordinances from Title 13; and all of Title 17, the Land Division Ordinance; 18, Zoning; and 20, which is the Clark County Environmental Policy Ordinance. And the organization Title 40 is organized by subtitles, 40.1 through 40.6. The formats, as you can see in the document, we've moved to a single column which will make it easier to use, which was another one of the goals of the project. We have section footers in it that will make it easier to navigate within the document. The long lists in each of the zoning districts have been replaced by use tables. And, again, Kathy's done yeoman duty in coming up with a format that's consistent throughout, and terminology and capitalization have been standardized throughout the document. It's evident that when you read it it was put together over a long period of time.

As far as the content of the document, our prime directive was that we made no substantive changes to the code; that is, a land use application would be approved under this code the same way it would be approved under the current codes. We cleaned up typographical errors and corrected any misreferences. We've given the application processing procedures, each one of those, their own section, so that if you have a Type II, all the rules that pertain to a Type II review process are in one location. We've made an attempt to consolidate definitions where it seemed appropriate to do so. In a number of cases definitions were deleted because when we did a word search we found we had a number of terms to find that are not used in the code. And there are a few places where gaps or inconsistencies existed because of the creation of the use tables and staff used the code requirements and in some cases professional judgment to fill in gaps and resolve inconsistencies.

So staff recommends the adoption of new CCC, Title 40, Unified Development Code, believing that the code is better organized, is in a better and more consistent format, and that for most people it will be meaning, it will be easier to use.

LEIN: Are there any questions of staff?

DELEISSEGUES: No questions.

**PUBLIC TESTIMONY**

LEIN: I didn't get a sign-up sheet for that. Is there anyone wishing to testify for or against this proposal? Would you please state your name and address for the record.

SAHLER: My name is Carra Sahler, 1925 SE Marion Street, Portland, Oregon 97202. I'm here on behalf of the consortium of Clark County School Districts. We submitted a letter commenting on the code. Do you all have a copy of that letter? I brought extra copies if you don't. I want to thank the Commission for entertaining the consortium's suggestion, suggested revisions to the code. We thank, we appreciate the new reader friendly format, but we do have some comments to make to eliminate any unintended ambiguities. Refer to our letter for a more thorough discussion, but I'll summarize our points quickly here, so I'll provide you a copy of the letter.

BARCA: I'd like a copy of that as well, please.

SAHLER: Thank you.

RUPLEY: I just want you to know I've done my homework.

SAHLER: Well done.

BARCA: You probably have an inside track.

SAHLER: Well, I'll make this quick. The first comment is just a matter of making terms consistent. We'd request that the term "temporary portable school buildings" be replaced with a defined term "school modular or portable." The second request is that the County define the term "public schools." We think that that would eliminate any future questions about what constitutes a public school. Third, we would request that the word "habitable" be removed from the definition of school modular or portable. As you may recall, that definition was brought to your attention in conjunction with an exemption from site, from site plan review in January of this year and so that definition is a very new definition. The school districts at that time were concerned about the addition of the term "human occupancy" in the definition. The reason is that, not that the school districts intend to use the portable for no other use but for students, but occasionally later need to use the portable temporarily for other uses. So we would hate to subject a future use to site plan review simply because it's not used as a habitable use at that time, but is intended to be used, it's only temporary.

Finally, our last request is one that may be beyond the scope of this restructure but one that we'd like to raise nevertheless. We request that public elementary and middle schools be allowed as permitted uses in residential zones with limited conditions. Elementary and middle schools are easy to accommodate in residential zones and are good neighborhood centers providing playgrounds and athletic fields. Do you have any questions?

LEIN: What other types of uses do you see a district using a portable for --



SAHLER: Oh, other than, well --

LEIN: -- other than kids?

SAHLER: -- they're always used for classroom other than for temporary storage.

LEIN: Okay. Any other questions? Thank you.

SAHLER: Thank you.

### **RETURN TO PLANNING COMMISSION**

MOSS: I'd like to have staff's reaction to the comments that you just heard or the request.

EULER: I think the terminology replacement "school modular portable," that's I believe the language that was in the biannual code change that resulted in that. Then Clark County should define what a public school is, we would want to search for a definition, I'm not sure we've got one that's in the code. And really the term "habitable" is not a problem. The last one I believe is beyond the scope of this project is, as Carra pointed out, and that's a little bigger issue than just a restructure.

LEIN: Any other questions or comments? I would think I'd like to thank the staff and the consultants on this particular project. This was a huge project and I think that they've done an excellent job trying to make this a more usable document. One of the criticisms that the County's had is having too many ordinances that don't read together and you have to pick up too many and I think they've done an excellent job and I'm looking forward to find any mistakes that we run into as we try to get a project through. I'm sure there's going to be one or two. Hopefully there's not all these problems.

EULER: Only one or two, Mr. Chairman.

LEIN: Any other comments?

MOSS: Yeah, I'd like to add my comments to that. I think my review of this hasn't been as comprehensive as I'd like it to have been, and because I just haven't been able to devote the time to it, but what I have read here I think has given me a pretty positive indication that this is a worthwhile effort. I like the way that it's structured. I have some minor concerns that have come up along the way, and I've noted a number of editorial changes that probably need to be made, none of which that I think are worthy of discussion here tonight, but I'd like to have the opportunity to pass those on to you.

The only concern that I really have about this at all I think was relates to the change of intent or the change in the way that the code will be administered. And I think for the record, you know, I think I'd like to state that it clearly has been the intent here not to

change the intent of the code and I would hope that any interpretations of this new code would be consistent with the old code.

EULER: That's the goal of the project. Again, our prime directive was to make the code easier to use in terms of its formats. Think of it as the new code, the development code on Botox, it's got a new look but not to change the substance.

LEIN: Any other comments? Entertain a **motion**.

DELEISSEGUES: Do you want me to make a **motion**? I'm practiced at it.

MOSS: You bet.

LEIN: Let's see which one you pass this time.

DELEISSEGUES: Yeah, I'd **MOVE** that we **adopt** the new rewrite of the Clark County Code Title 40 Unified Development Code and pass on a recommendation of approval to the Board of Commissioners.

LEIN: Any comments on the requests of the school districts? Are you trying, going to incorporate any of those?

DELEISSEGUES: Yeah, I'd certainly suggest that it be considered and where possible adopted.

EULER: I think that was the, my -- I took that the intent of Commissioner Moss' question that we could do those things and we will.

LEIN: Except for Item Number 4?

EULER: I'm sorry?

LEIN: Except for Item Number 4?

EULER: That's correct, that I believe is beyond the scope of this project clearly.

LEIN: Okay. Is there a second?

MOSS: I second.

BARCA: Can I clarify what it is we're adopting. We're adopting the code restructure with the recommendations to take in the school board or the school district recommendations 1 through 3?

LEIN: Correct.

MOSS: Correct. Not 4.

BARCA: 1 through 3.

LEIN: Any further discussion or comments? Roll call, please.

**ROLL CALL VOTE**

MOSS: AYE  
BARCA: AYE  
SMITH: AYE  
RUPLEY: AYE  
DELEISSEGUES: AYE  
LEIN: AYE

LEIN: Thank you, Gordy. We'll now move on to the last item on tonight's agenda, Clark County's Home Occupation Ordinance.

**PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION**, continued

**C. AMEND CLARK COUNTY'S HOME OCCUPATION ORDINANCE:**

The Board of County Commissioners (BOCC) appointed a task force in April 2002 to study the issue of the use of rural properties for home occupation business activities. The task force met between July 2002 and April 2003, and developed a draft ordinance to regulate rural home occupations. County staff has modified the task force recommendation to include urban home occupations and to address other policy and legal issues. The ordinance, if adopted, would replace current home occupation standards in CCC 18.406.020(l). This hearing will be to consider the proposed ordinance.

The draft ordinance consists of: a statement of purpose; a section on applicability and exemptions; a definitions section; and sections on development and performance standards. The draft ordinance is available on the county's web page at [www.clark.wa.gov](http://www.clark.wa.gov). Copies of the draft are also available at Clark County Community Development, Long Range Planning, 1300 Franklin Street, 3<sup>rd</sup> Floor, Vancouver, Washington.

**Staff Contact: Gordy Euler, (360) 397-2375, Ext. 4968.**

LEIN: Gordy, please. Again, we will be continuing this hearing to September 18th at 6:30 at the new Clark County Administration Building, so if you aren't able to get in the room or make comments, the record will be held open. There's also going to be a workshop September 4th; is that right? And where's that going to be at, Pat?

WISER: The Board training room.

LEIN: The Board training room, 6th floor at the new building at 6:30.

WISER: From 5:00 to 6:30.

LEIN: So there's a couple of opportunities to have comments. So with that, Gordy, please.

MOSS: The work session it's 5:00 to 6:30?

LEIN: 5:00 to 6:30.

EULER: Thank you, Mr. Chairman. For the record again Gordy Euler, Clark County Long-Range Planning. I apologize for this being the Gordy show but it just kind of worked out that way. Attached for consideration by the Planning Commission is a draft home occupation ordinance, again that's Attachment 1 in the staff report for those of you that have copies, that if adopted will replace the current home occupation ordinance in the Clark County Code. The basis for this draft ordinance is a recommendation from the Rural Enterprises Task Force and the Rural Enterprises Task Force recommendation has been modified and put out for public review at the direction of the Clark County Board of Commissioners.

By way of background, in response to complaints from rural business operators about County restrictions on the use of rural property, the Board appointed the 12-member task force, Rural Enterprises Task Force, in April of 2002. The charge of the task force was to develop recommendations on the criteria and standards that apply to business use of rural properties. The task force held 19 meetings between July 2002 and April of this year and the group started by listing issues that task force members wanted to see addressed and then spent its meeting times developing their recommendation. The group did not focus on types of businesses but rather on what they believed the impacts were of business operations. The task force expressed twin concerns that, one, fees for home occupations were too high, and, two, that complaints received about rural businesses should be handled on a neighbor-to-neighbor basis.

A work session was held on the task force recommendation with the Board on April the 16th of this year and the task force recommendation was presented. Staff and the Prosecuting Attorney's Office expressed some concern with the recommended task force language and the Board at that time directed staff to return with some options for addressing the rural home occupation issue. Another work session was held with the Board on June 4th at which four options were presented. The first was a recommendation by the Rural Enterprises Task Force for a draft rural home occupation ordinance, and in your packet that's Attachment 2. The second was the current home occupation ordinance modified to address heavy equipment in rural areas. The third was a task force recommendation modified by staff to, one, include home occupations in urban areas as well as rural areas and some additional policy and legal concerns, and that again is Attachment 1 into the staff report. And the fourth option was to leave the current code unchanged and essentially enforce it as it is.

The Board at that time directed that the modified task force recommendation be put out for public comment and that's the document that's currently on the Clark County web page. The modified task force recommendation which reflected a first review by staff made the following changes. First we added urban home occupations. Staff felt it would be easier to think about home occupations in a continuum rather than segregating out those activities that occur in rural areas and in urban areas. Permanent home occupations which in the task force recommendation were Type I's were split into minors Type I and major Type II, somewhat similar to the what's in the current ordinance. Staff also recommended that the presence of nonresident employees be the main trigger for a permit. So in other words, there was an exempt category for a level of activity where you would need no review at all and we didn't change that. The modified task force recommendations is less restrictive than the current home occupation ordinance, which is the standard by which we looked at the proposal, particularly in rural areas.

Examples of important differences. The proposed ordinance codifies home occupations that would be exempt from any kind of County review. The current Type II standard for accessory structures is proposed as a Type I standard for urban and rural minor home occupations. The proposed ordinance allows for vehicles and equipment in rural major home occupation standards according to a matrix where none is currently allowed. The proposed ordinance allows for employees in rural minor home occupations and the use of accessory structures in both urban and rural minor home occupations, none of which is currently allowed. And the proposed ordinance allows outdoor storage for rural major home occupations which is not allowed anywhere currently, and this again compared to the current ordinance.

Because the proposals includes home occupations which had not been included previously as part of the Rural Enterprises Task Force work, the decision was made to delay the Planning Commission hearing from July to August in order to notify neighborhood associations, business groups and Chambers of Commerce by letter of the addition. And we made a presentation about the draft ordinance at the July NACCC meeting as well. The original intent of the draft home occupation ordinance is to accommodate some measure of rural home occupation activity, but to ensure with additional standards that the activity does not impact rural residents who wish the relative solitude of a rural living experience. Again, the task force spent considerable time discussing how to accommodate both sets of interests.

The staff recommendation is to replace the current Clark County Code Section 18.406.020(I), which is the current home occupation ordinance, with a new set of standards pertaining to all home occupations using the modified task force recommendation as the basis for new language. There are some additional concerns that staff has in terms of implementation of the ordinance. I'd be happy to answer any questions about the ordinance contents as it relates to the current ordinance or the proposed ordinance.

LEIN: Are there any questions from members of the Planning Commission at this time? Okay. Then we'll start down the sign-up list. Dave Nordeen or Nordwen. Could you please state your address and name for the record, please.

## **PUBLIC TESTIMONY**

NORDEEN: For the record my name is Dave Nordeen. My address is 15918 NE 249th Street, Battle Ground, Washington, next to the lake. I was one of the members of the task force and we were a very diverse group. We had truckers, we had engineers, we had farmers and even one of those trial attorneys up here, and we got together. And we all had different interests and people were basically living out in the country and they like to, just as Gordy indicated, like the solitude of it. They had been living there for some time.

As you're aware, our current law is very restrictive on home occupations with the exception of course forestry and agricultural which even has priority over any type of residential use in the central and north part of county. There was a conflict, a lot of people, you know, young people trying to start businesses found a lot of the rules overly restrictive and there was lots of discussion. We looked at a lot of other counties, and not only in Washington but outside of Washington, what they had done with it. And we had 19 meetings, I think I attended 17 of them, averaged at least a couple hours a night. We looked at a whole bunch of different types of plans, a lot of public comment and everything else, and we finally came up with what you have in front of you. It's been modified a little bit by the staff, but it's, I think, a pretty good compromise. And that's what it is, it's a compromise. No one's going to get everything that they want, but we're going to try to help everybody get as much as they can without undermining the basic principle that when people move to a rural residential area in central or north county, they should be able to enjoy the rural experience.

There are some things about the compromised draft before you that I don't like, I'm sure there's some things about it in there that other people, and I'd be one of the residents, that some of the business owners probably didn't really like, but we all decided that this was probably the best thing. And I would urge you to take that in consideration. The reason I say that is because I know there are very special interest groups who basically have the attitude it's my way or the highway. People who don't want any type of a home occupations at all out in the country take one extreme, the other extreme are those who say, well, if you can make money out of something like this, we're not going to -- or the rural residential attitude just too bad for you, you can go back to California or Portland or whatever you want to do, we're going to do what we want to do, it's our property and we can do it, I don't care what the law is. Those are two extremes and neither of those extremes got what they wanted from our task force. What the vast majority of the Clark County residents who will be affect of this did get something beneficial for them. Thank you.

LEIN: Any questions of Mr. Nordeen?

NORDEEN: Oh, I'm sorry. Questions? Thank you.

LEIN: Thank you. Jim Malinowski.

MALINOWSKI: Jim Malinowski, P.O. Box 127, Amboy. I'm here representing Clark County Citizens United and Fish First. Since I'm one of the first of the coalition groups to speak there is a coalition proposal that's before you that hadn't been mentioned yet, but Clark County Citizens United, a number of us were involved in developing that. Both our organizations ask that you reject the staff and task force proposed home occupation ordinance and recommend adoption of an ordinance similar to the coalition draft. Clark County Citizens United takes that position because we want to protect rural citizens' rights to use their land to support their families if they wish to establish home based businesses.

Very few rural residents can make a living at farming or tree farming and if they want to use a part of their rural land for home business, we see no reason why they shouldn't be allowed to do that. Fish First is concerned because the contractors who execute our salmon habitat restoration projects are likely to be put out of business by the proposed draft and that would put Fish First out of the business of salmon habitat restoration.

I'd like to make a couple of points. One is that I believe the existing ordinance, which was cited as somehow the proposed ordinance as an improvement, really must have been adopted without a valid public process because as far as I know no one around where I live even knew the ordinance existed so and it -- there were hundreds of people, businesses, in that area at the time it was adopted that would have been impacted, they should have been notified. To me it's kind of a stealth ordinance that we found out about when Jeff Strong was cited as violating the ordinance. It doesn't seem to me like that type of unknown restriction that only is applied selectively is kind of a, you know, arbitrary and capricious government and I think we should do everything we can to avoid it. I do think this kind of public process is a much better one than the one that must have been used to adopt the existing ordinance.

I believe that both of our groups believe the existing ordinance violates the GMA's requirement that rural businesses be encouraged and protected. We think that the proposed ordinance contains very arbitrary limits and it will be very complex to administer. The proposed ordinance clearly will put many rural businesses out of business and subject many of the others to excessive permit fees. There appears to us to be no justification for that result. Now why put so many businesses out of business. And you're, you know, if the County is really focused on jobs and improving the economic climate of the county, you should not be in the business of destroying the rural economy. I think the coalition proposed ordinance addresses the legitimate concerns the people have with rural businesses. It will be much easier to administer than the task force proposal and will allow most existing and future home businesses to continue to contribute to both rural character and rural county. As somebody who grew up in the rural parts of the county, but to me these businesses are part of the rural character. Most of the people who object are people that moved in recently, there's not very many, at least many of my neighbors that grew up in the rural area that object to these businesses. So on behalf of both Clark County Citizens United and Fish First I urge you to recommend to the Board of Commissioners that the coalition proposal be adopted. Thank you.

LEIN: Jim, when you say "the coalition" you're talking about the rural business coalition?

MALINOWSKI: Yes. Well, Matt Lewis will probably describe that more thoroughly.

LEIN: Well, I didn't see Fish First on that coalition so that's --

MALINOWSKI: Well, we're not on the -- Fish First is not the coalition, but Fish First supports the coalition recommendation. The Fish First Board voted to do so recently.

LEIN: Any other questions?

SMITH: Were your organizations represented in the task force?

MALINOWSKI: No. In fact Clark County Citizens asked to be on the task force. We were involved -- one thing I forgot to mention was this was not the first time this came up. Several years ago Jeff Strong was cited, the Board of Commissioners suspended the ordinance for a year and they were -- they promised us that they would adopt a more reasonable ordinance. Clark County Citizens United proposed more reasonable terms and apparently that idea was dropped and then the ordinance was reinstated. So this is not something new, it's been ongoing for a number of years, and for some reason even though we've been involved initially we were not allowed to be on the task force.

SMITH: Okay. Thank you.

LEIN: Any other questions? Thank you, Jim. Greg Malinowski. Greg. Pass?

MALINOWSKI: Pass.

LEIN: Okay. Jeff Strong.

STRONG: My name is Jeff Strong, Post Office Box 430, Amboy, Washington. In your handout I have a black and white photo. When I was putting this testimony together I looked up on my office wall and I noticed a picture that was hanging there that kind of brought a lot of relevance to what we're talking about today. This picture, I'll pass around the color version because it kind of gives a little better scope of what we're talking about, that was taken the same year that I was cited for having an illegal business that's in the County's eyes the visual blight and the big problem that we have in the rural community. You can see a couple of pieces of equipment, my home, some, you know, it's a very mixed use. While you pass that around I'll finish my statement.

As many of you are aware, I have been deeply involved in this subject since '97 from operating an illegal contracting business out of my home to having many discussions with County staff as well as Commissioners, to being on the home occupation task force from which I resigned. In Clark County's opinion they seem to be saying that the task force recommended their plan. For your information the task force was far from unanimous on the proposal. One resigned, being myself, one stayed just to be obstinate because he strongly disagreed with what they were doing and what they were -- the direction they were heading, a third virtually quit coming to the meetings towards the end, and a fourth missed approximately the first half of all meetings, which were very informative as to seeing the issues on both sides that we were trying to, trying to discuss.



One of the things that I want to show today is what happens if this County proposed ordinance is passed not only to home based businesses but to the existing urban and rural businesses as well and explain some of the facts that I've uncovered over the years. When I started my construction business in '94 I had \$500 and a dream, that was to own and operate my own business to better my family's life-style. By the time I obtained my State license, bonding and insurance 500 was gone and I was in debt for the balance. We moved along building our business, bidding and getting our share of contracts and work, providing high paying jobs, in the 15 to \$40 an hour range, hiring mostly local people from the rural area. In '97 Clark County threw a curve at us sending us a cease and desist order for our illegal business even though none of our neighbors had complained about our activity.

While we were a profitable company, our growth was consuming all of our profits, making it impossible to relocate to expensive options at that time. Thankfully Citizens United group found out about my case and offered to help. They set up a meeting with Betty Sue Morris, Code Enforcement and staff, as well as Planning Director Michael Butts, and Dan DuPuis from Citizens United, he represented me after presenting -- and after presenting our case Michael Butts stated that the existing home occupation ordinance was intended for urban lots of 10,000 square feet, it was never intended for people in the rural zone and the larger parcels. They granted me permission to continue as I was until they rewrote the code. After a year, as Jim stated, they started handing out citations again and that's when we got back into the, back into the saddle. In 1999 an opportunity arose for us to purchase the rural commercial property in Amboy where we currently own and operate North County Hardware. We moved our construction company to that property as well, only to find out later that we weren't even legal there on rural commercial property. So in 2002 we decided to fold the construction company due to increased County regulations ranging from erosion control as well as regulations to where we were to park our equipment at night as well as many other factors.

The plan that's installed -- the proposed plan that the County wishes you to approve will negatively impact existing and future start-up businesses by overregulating unrealistic areas like the size of your pickup weighing under 9,000 pounds, as well as exorbitant fee schedule that go with this regulation ranging from 2600 being the cheapest to the cost going into the 30 to \$50,000 range depending on the size of the business. None of these businesses will be able to pay these fees in their infancy, it will simply put their dreams out of reach, not to mention the impacts it will have on existent urban and rural businesses like our hardware store in Amboy. After interviewing several other storefront businesses in the area, all feel this County proposed ordinance would put people out of business as well as restrict future generations from starting business in our area, which has already been devastated over the years from logging and farming virtually disappearing from our economy.

After reviewing and calculating actual projected losses from our store alone should this proposal pass would be around 146,000 annually in decreased contractor sales alone. Amboy Market estimates it would lose around 200,000 annually. Wayne's Saw Shop, 108,000. Cenex in Battle Ground would also see significant losses due to contractor

sales and rural businesses not participating at their stores. These are just a few of the businesses in the urban and rural area when they lose sales or growth, they are forced to cut family wage jobs. This is why I support the plan like the rural coalition business plan being presented to you today. It regulates real impacts with common sense solutions like screening, setbacks, hours of operation. Please keep it simple. A complicated ordinance is costly to produce, implement and enforce.

For instance, an example would be the matrix with the County plan wants to enforce, do the math, on 5 to 7 acres they allow 2500 square feet of accessory and outside storage building, they allow 6 pieces of equipment, 2 trucks, 2 trailers and 2 pieces of equipment. In 2500 square feet, the size of the average home, you're to place 6 pieces of equipment. If you go outside that footprint you're in -- you've violated the code and you lose your home occupation permit. You cannot physically turn a truck around in 2500 square feet. I mean it just won't fit in the size of the average home. I think going at it with screening and not limiting the size of the property, I mean if we take the impact away from the neighbors, if they can't see it, we've done a pretty good job of taking the impact away altogether. That's just a basic, basic start. Thank you. Any questions?

LEIN: Any questions of Mr. Strong?

BARCA: I have a question. You made an estimate you got \$146,000 annual loss. What did you base that on?

STRONG: That's based on my contractor sales for last year and an estimation of the walk-in cash sales which I know from being there that my contractor sales and my cash, cash contractor sales are, they actually outweigh my billed accounts.

BARCA: So you must have projected some number of contractor losses?

STRONG: Basically what I did is I went through my accounts and I printed up a list of my accounts and the amount that they spend annually at our store, highlighted the ones that I know would be affected by this code and determined the value that way.

BARCA: Eliminated them a hundred percent or --

STRONG: No, those are the ones, I eliminated the others that would not be affected by this code. Not all of my, not all of my contractors or my account sales, billed accounts, would be affected by it but a good percentage of them would be.

BARCA: So the ones that were affected, you eliminated them from your sales then? Did I understand that correctly?

STRONG: Yes. That would be the 146,000.

BARCA: So a hundred percent loss of everybody that was affected by this ordinance?

STRONG: If they were to be -- if it was to be enforced and they would have to relocate to

industrial land, they're not going to stop by my store on the way to the job to get their shovels or their lumber, they're going to pick it up when they go by the other stores that they're moving closer to.

BARCA: Okay. I just needed kind of a baseline to understand. And then that number was utilized for the other businesses that also gave dollar estimates?

STRONG: Yes.

BARCA: Okay, thank you.

LEIN: Any other questions?

DELEISSEGUES: No.

LEIN: Okay. Thank you, Mr. Strong. Tony Morrell.

MORRELL: My name is Tony Morrell. I live at 16805 NE 137th Avenue in Brush Prairie. I am not a special interest and I am not a new resident, I've been a homeowner at that location for 28 years, and in the course of that time no fewer than five businesses have been located within 500 feet of my property. That includes a pool/spa business, an autobody shop, a cabinet shop and an engine repair facility and a commercial photographer. And the reason I'm here tonight is in hopes that you'll consider the situation that I'm in as a way of perhaps avoiding some of this consternation that has befallen me and my neighbors as a result of these businesses locating on 137th Avenue. I need to point out that 137th Avenue, at least the part that I live on north of 159th Street, is a private road, it's a single lane private road, and 99 percent of the people that live on that road live on a single acre, one-acre tract, so all these businesses with the exception of one is on one acre, okay.

So I would like to direct my initial comments to the County's own review of this proposed ordinance dated August 1st, signed off by Patrick Lee. And in that review the County says on Page 5 "this ordinance has the potential to increase the number of neighbor conflicts because it allows the potential creation of a great many small home businesses, businesses by the current law would not be legal." And I want to say amen to that. I think what we're doing here is we're taking a big problem that we have and substituting even a bigger problem for it. On Page 1 of that same report it says that the County code currently favors -- oh, wait. "The current County code favors the latter, with little or no accommodation of the former." What it's saying is that the current County code favors homeowners over businesses and to me that's not been my experience. When you read the County code it certainly looks like that, but the way the County code is administered it doesn't work that way at all.

And I would offer just one example of these five businesses that I think would highlight that. The automobile repair facility, if you can imagine Volkswagen engines screaming one night, one morning at 6:00 a.m. we were, our whole family was awoken by the sound of revving Volkswagen engines. Throughout the day we could hear the air wrenches and

throughout the day test cars were driven up and down our private road. Throughout the day people from the Portland area were coming there looking for this repair facility which was in a home and not able to find it and were bouncing all around the neighborhood. This business offered free towing within 50 miles, 50 miles, took all the major credit cards, offered guarantees, it was a major business and it was in a little one lane private road, one-acre lot. And so it came up for permit and it -- virtually everybody in the neighborhood signed a petition opposing this business and the County went ahead and approved it anyway. Okay. So I point to that as not a prejudice in favor of the business but -- in favor of the neighbors but rather in favor of the businesses. And I read stories in the Reflector about similar automobile repair businesses located throughout the county causing no small amount of grief and consternation for the neighbors. So I think the way the existing code is written is good, I think it just needs to be administered better.

On Page 3 of that same report the County says that the intent of the ordinance is to ensure with additional standards, quote, that the activity does not negatively impact rural residents, and I want to know, well, how does it do that. And then it says -- because on Page 5 it says that "parcel size may not be enough to mitigate impacts, even with landscaping and screening requirements, and setbacks." So it seems like the County's admitting that they've already failed to meet the objective that they are intending to ensure, they're saying that this is not going to do it. And then as I read this, and I don't know if I understand this completely, if you have a business, you apply for perhaps a Type I permit; if you fail to meet the mark for a Type I, no big deal, you apply for a Type II. You fail to meet Type II, no big deal, you apply for a Type III or a conditional use permit. The message is just get your permit and then you can do your business as if the permit itself prevented the impacts that the neighbors will then would be expected to enjoy.

And then because I live on a private road that I had paid myself, I want to know what does it mean when it says that "major businesses shall provide evidence of mitigation of impacts to a private road." Does that mean that the owners of the business, their employees, their customers, the heavy equipment and the delivery vehicles, after all of those above-entities have damaged or destroyed the private road does the business owner then have the opportunity to contribute on an equal basis with the other landowners that share that road and is that fair, I don't think it is.

So I want to end with a recommendation. I want to recommend that you stick with the original ordinance and that you respect the work of the task group because they did put a lot of work into it and that you provide somehow for the storage of heavy equipment on rural lands, but that, and that you strengthen the prohibition of businesses on private roads. If you can't regulate traffic on a private road, and the County tells me that they can't, then you have no business permitting businesses on that private road. You can't do to one side of the equation what you can't do to the other. Thank you very much. I'll take any questions you have.

LEIN: Mr. Morrell, you indicated you were in favor of the existing ordinance. Now do you mean the existing ordinance or the proposed?

MORRELL: The one that's on the books, the existing.

LEIN: All right. Just a clarification. Thank you. Any other questions?

MORRELL: Thanks for listening.

LEIN: Thank you. Rick Malinowski.

MALINOWSKI: No.

LEIN: No. Okay. Thank you. Pat Lee.

LEE: Present.

LEIN: Your name's here.

LEE: No.

LEIN: Okay. Thank you. Doug Gillette.

GILLETTE: I'll pass.

LEIN: Thank you. Ron Ridnour.

RIDNOUR: My name's Ron Ridnour and I live at 7908 NE 329th Street in La Center. I'm here representing La Center North County Chamber of Commerce and we have in excess of 60 business owners in our Chamber of Commerce and we are part of the Clark County Rural Business Coalition and we recommend the proposal that has been before you tonight.

LEIN: The revised one that the --

RIDNOUR: The revised one.

LEIN: Okay. Anything else, Ron?

RIDNOUR: That's all I had.

LEIN: Any questions of Mr. Ridnour?

DELEISSEGUES: I got just a clarification. The revised one we're talking about is the one forwarded to us by the Building Industry Association; is that right?

LEIN: Correct.

RIDNOUR: Correct.

DELEISSEGUES: Okay. Thank you.

BARCA: It's not the staff proposal?

LEIN: Not the staff, no. Roland Homola.

HOMOLA: Not at this time.

LEIN: Thank you. Tom or Candise Hill.

HILL: Oh, I'll wait until the September meeting.

LEIN: Thank you. Mike Kinnaman.

KINNAMAN: Pass.

LEIN: Thank you. Leslie Stenersen. Georgia Goff.

GOFF: I have a couple of letters that I wanted to hand to you, to the Commission. My name is Georgia Goff, I live at 30511 NE 152nd Avenue, Battle Ground. Tonight I'm representing Mt. Valley Grange in Amboy. They have proposed a resolution and I'd like to read that at this time.

Clark County Home Occupation Ordinance. Whereas, Clark County is considering adopting a proposed home occupation ordinance that will put many existing rural businesses out of business, impose excessive permit fees on many others and prevent future rural citizens from starting new home based businesses.

And whereas, Washington State's Growth Management Act requires that the rural element of the County comprehensive plans foster traditional rural life-styles, rural based economies and opportunities to both live and work in rural areas.

And whereas, there have been very few legitimate complaints against home rural businesses in the County.

Whereas, a coalition of local citizens have developed a draft ordinance that will address all legitimate concerns about the impact of home based businesses on neighbors without loss of economic and rural character benefits of rural home based businesses.

Be it resolved, that Clark County Board of Commissioners is requested to adopt a home occupation ordinance similar to the coalition draft and reject the unreasonable conditions proposed by County staff and the Rural Enterprise Task Force.

This resolution to be sent to Clark County Planning Commission, Clark County Board of Commissioners and all Clark County Granges. It was adopted at the regular meeting of Mt. Valley Grange Number 79, Amboy, Washington, on August 19th, 2003. Signed by Elinor Collins, Master, and Susan Courtney, pro tem, Secretary.

I also have given you a letter from me and I'll go ahead and read that so everybody can hear my opinion. Dear Clark County Commissioners, in regards to the Rural Enterprise Task Force home occupation ordinance, one of the things that concerns me from the start was the name of this focus group. What started out as Rural Equipment Storage turned into Rural Enterprise Task Force. Many people didn't connect the two as the same group,

that was a great disservice to the folks that showed up at the meeting at Dollars Corner.

At that meeting the County wanted huge conditional use permit fees and I don't see that this has changed. That is certainly not going to encourage anyone to develop or even maintain a home based business. In our logging and farming operation we use several local home based businesses, they're close, efficient and affordable. If we don't allow them to function affordably, we will -- all we'll have in this county is houses and no one will have to worry about the rural character, it will all be gone.

The task force and the County staff seemed to turn a deaf ear towards public comment, at times even belittling those of us who tried to bring some reality to the table. The majority of this group was antibusiness, especially for any future generations. As a result the RETF draft ordinance is too restrictive and I feel the coalition's recommendations are more livable for those of us trying to maintain the rural integrity of our community.

Thank you. Any questions?

LEIN: Any questions of Ms. Goff? Thank you very much. Steve Krueger.

KRUEGER: I'm going to pass at this time.

LEIN: Okay, thank you. Keith Williams.

WILLIAMS: Pass.

LEIN: Matt Lewis. I don't think you ever pass, do you, Matt?

LEWIS: Not with a crowd like this. Good evening, Planning Commissioners, my name's Matt Lewis. I work for the Building Industry Association of Southwest Washington, one of the special interests I guess that have been referred to earlier. But I'm proud to represent a special interest. My special interest has 780 members in it and probably about 200 of those operate businesses within the rural areas and they employ thousands of people and contribute a lot of dollars in their payroll and a lot of dollars to County coffers and State coffers in their taxes that they pay.

I want to thank the County, first off, and the Planning Commission for continuing this hearing and having a work session the first week of September and then the hearing on the 18th to give ample time to evaluate all the proposals and all the issues. As you can see there's a lot of opinion. I'm very optimistic, actually, after hearing the testimony, reading some of the additional comments that have come in that the coalition proposal that has been referred to several times addresses most of these issues. As Gordy introduced the topic earlier there were two goals of this ordinance: One was to permit a reasonable level of economic activity in rural residential areas and the other was to prevent or regulate negative external impacts. And that's the concept we had in mind when we drafted our proposal. We weren't going to focus on the mere existence of commercial activity. We think that's a good thing. We weren't going to regulate necessarily the size. We were going to regulate negative external impacts.

Before I go through the proposal, let me step back. I handed you a packet at the beginning of this meeting, I apologize that it wasn't here in advance. There's a couple of background issues I'd like to touch on briefly. Vaughn, feel free to cut me off. Page 2, two topics touched on, one is complaints. Attachment A summarizes 65 complaints. My organization filed a Freedom of Information Act request with the County in the beginning of 2002 requesting all code enforcement cases regarding home occupation activity in the rural areas, we were turned over two or three file boxes full, I went through and catalogued those and analyzed those. Of that 65 I believe 25 were in the rural areas. So many of the complaints, perhaps legitimate complaints, involving home occupations took place in the urban area, and it's our focus to talk about the rural area tonight. Of those 25, many of them were unrelated to actual home occupation activity, they were buildings that were unpermitted or the inspector went to the site and they were found to be compliant, so that sheet sort of summarizes the alleged complaint, what happened and the outcome.

So it's important to note that the County hasn't been inundated in complaints as far as number of cases. Perhaps some of these there's repeat complaints on one particular activity, but certainly the scope of the problem is more limited than earlier portrayed. The size --

AUDIENCE: Matt, real quick, how many years were those complaints worth?

LEWIS: Three years, '99 to 2002, so that would be six a year of legitimate complaints of rural residential property with home occupation going on, at least in the documents turned over from the County, and I can -- I'll share those cases with you if you'd like. The size and the scope of the existing rural operations, this is one critical piece of intelligence that never really surfaced, and I think when you're writing rules and developing policy it's important that you know what the impacts are going to be so you can fairly evaluate them.

I've done a little research, as I mentioned earlier, about 200 of our members are located in rural residential areas, contacted the Department of Labor & Industries and there's an attachment here, Attachment D, which shows all registered contractors in Clark County sorted by zip code. I've asterisked the rural zip codes and that total is 800, 800 and, 886 registered contractors in rural zip codes. Those rural zip codes do include the incorporated areas of La Center, Ridgefield and Battle Ground, and some contractors I'm sure are located in commercial or industrial property in those areas so there's some deduction needed; however, knowing those three communities there's not a, there's not a lot of industrial zoned land to site those contractors, so I would say the majority of those 886 registered contractors would be impacted by this ordinance. And this only includes contractors of course. As this issue has come up, and I've had a number of conversations with rural residents, the diversity and amount of businesses is really astonishing, I learned a couple of more of reading these complaints tonight, a toy manufacturer, a furniture maker, auto mechanics, mortgage brokers, all shapes and sizes are doing business in the rural areas and have been for quite some time, many multiple generations.

Flipping forward to Page 3, I mentioned earlier attempting to evaluate the proposed policy against what the current landscape is out there, the existing businesses. The best way I



knew how to do this was to contact our members. I sent out a survey that asked questions regarding parcel size, number of vehicles, number of trailers, size of accessory building, outside storage, all the categories that were included in the County's matrix. I received 48 responses back. That's Attachment F, the color coded survey results. The yellow ones are highlighted would comply with the proposed, the new proposal, 16 out of the 48. All the ones with red markers would exceed one of those categories by a lot or a little, thus putting them outside of that permitting process and their only recourse would be a conditional use permit, which is no easy undertaking and no cheap undertaking.

I think this survey, it's the lesser of two things. One, the proposal based on these arbitrary numerical standards on business size are overly restrictive and are too tough for many existing businesses to meet, but, secondly, as you look at some of the businesses that would not meet those standards their impacts are presumably quite small. You have a plumber, a plumbing contractor on four and a half acres who has two vans, yet the limit is one vehicle, he's out. He is now paying a base fee of 13 grand I want to say for a conditional use, perhaps a little cheaper, there's pre-apps, there's SEPA reviews, you're probably hiring a private consultant to navigate you through the permitting process. One, that's unfair, and, two, what has changed. He's invested \$30,000, for 30 years he's parked his two plumbing vans in his driveway and now he paid the County \$30,000 for a stamp to continue to park his two plumbing vans and perhaps he's never negatively impacted a neighbor.

We wanted to focus our proposal on negative external impacts. When you look at our proposal, it's based on performance standards, noise, dust, hours of operation, screening requirements. Many of the complaints that I went through turned over from the County the basis of the complaint was the -- a visual siting of usually a large piece of equipment that offended the adjacent neighbor on his way home or to work or however it might be. Oftentimes it wasn't even noise but just the existence of commercial activity. Under the current code they're illegal and there's really no recourse.

Our approach, if you have equipment, it's screened or it's in an accessory building to eliminate the quote, unquote visual blight. The screening standards are an L-3 standard, which is already an existing standard in Clark County Development Code, requires six-foot shrubbery or another, a brick or a wood fence, 95 percent opaque so you can't see it. Or if there's existing vegetation or a berm, that will suffice. Setbacks and new building need to be 50 feet away from adjacent properties. Hours of operation, 7:00 a.m. to 8:00 p.m., normal business hours. Noise and dust, and we didn't need to invent anything new, there's already quite stringent noise requirements courtesy to the Department of Ecology on the books at the State level, we reference those. I failed to attach, I have some additional information that actually enumerates what those standards are, they're based on decibel levels at certain distances. And I also have another document from the task force in which they brought a decimeter I believe it's called that measures noise, decimeter, and it shows the noise from a diesel engine, a chain saw, some of these various things, it's pretty informative to compare what these noises are.

So many of the complaints that have been mentioned from previous speakers I'm confident they would not occur under our proposal. However, those small businesses

who are not imposing or offending their neighbors would be allowed to continue to operate assuming they take those precautions to mitigate their negative impacts. Is it perfect, not at all. It was six people around a table hashing out some ideas attempting to fit in various scenarios and protect the interest of many businesses while affording those same protections to neighbors.

We look forward to comments from other neighbors, other rural residents and staff, from counsel, from the Planning Commission, from the Commissioners. And we're flexible about meeting those two objectives, protecting a level of economic activity in the rural areas and also preserving a rural residential life-style for other neighbors. And it can be done, but if we rely on these arbitrary numerical caps that may or may not be addressing impacts, that's not going to, that's not going to work. That concludes my comments. I'd like to answer any questions.

LEIN: Are there any questions of Mr. Lewis at this time?

DELEISSEGUES: I've got one I'll start with. Matt, how many businesses that you're talking about now could not meet the requirements in your proposed ordinance?

LEWIS: Well, I haven't, I haven't gone through each individually. I'm assuming the -- well, it's really based on if they take the initiative to screen and scale back hours of operation, most of them have the opportunity to comply. If they choose not to, they will be in -- they will be in violation and either put out of business. However, we do provide the opportunity to comply. Those contractors who have three trucks that are integral to their business, they have no opportunity in the current proposal if the limit's one.

DELEISSEGUES: Okay, thanks.

RUPLEY: Matt, how many of the task force members are members of your organization?

LEWIS: One. Yeah, one.

AUDIENCE: On that note, ma'am, just to clarify that, that organization asked to be represented on the task force and was refused.

BARCA: Matt, with regard to legitimate complaints your testimony earlier was approximately six per year appeared to be legitimate. One of the things that appears to be strong testimony from aggrieved landowners who are not business owners but neighbors of businesses is that enforcement is spotty and rectifying the situation appears to be very convoluted, if not impossible, with the businesses. Now I would recognize that the vast majority of your constituents for your organization are probably going out of their way to meet the intent of the ordinance and to become good neighbors if they're not by being informed. I noticed that the task force really tried to work on a neighbor-by-neighbor basis. Sometimes that doesn't work out, communications between neighbors does get strained from time to time.

Is there an opportunity within your coalition to try and create some kind of an ombudsman

or a method to find resolution to keep it basically out of the hands of the County and to try and get quick resolution where neighbors can go on in compliance with the ordinance and the aspect of trying to enjoy the rural life-style which even the business owners have chosen for themselves and would like to maintain?

LEWIS: That's an important point and one we've discussed. We did not incorporate it into this draft merely from a lack of failing to find the adequate language, but some sort of board, some arbitration board of several rural residents to help make some determinations --

WHITE: There already exists one and Gordy Euler can tell you about it.

EULER: Yeah, if I may, Ron. I've had a couple of phone calls, a number of conversations with County Mediation Services and whatever the outcome of this ordinance they're, they have an -- they've been saying how can we get involved in resolving neighborhood disputes. So whatever we end up with they stand ready.

WHITE: There is a mediation group that is in Clark County now. I work for Representative Mielke and they have sent us their brochures and it's -- I think you said on the phone that, Gordy, that they're one of the best kept secrets in the County. So that kind of organization already exists and we've referred constituents to that group already. So it exists already, you don't have to worry about that.

LEIN: Could I ask a favor of people. If you're going to talk, we'll ask you to come to the microphone and state your name and address because otherwise we have a difficult time recording everything. So please feel free that when it's your opportunity you can come to the mic, but don't throw bits from the sidelines. Thank you.

LEWIS: A couple of more comments on Ron's question. Enforceability was a big concern when we were developing this. Right now we have an extremely restrictive code, no one's gotten a permit because no one can comply. When people do complain the enforcement is spotty because everyone's in violation. They try to follow up on those cases that when they visit the site, they see some real legitimate activity going on. Under our proposal the opportunity to get a permit, to qualify for a permit, is available for all these business owners. There would probably be a six- to nine-month leeway period so they can go to the County at a Type I review, a modest fee, a modest level of review, certify their business, when calls do come in the County has the ability to check if the person is a permitted business, what's the complaint, he's firing up his truck at 5:00 in the morning, that would be a violation of the ordinance, the hours of operation, enforcement can be dispatched and contacted. So I think it's a much more workable proposal from code enforcements aspect in that they have something with some teeth but not so much teeth where, which we have currently, where it's not even worth enforcing because the civil system would be backed up until 2020 with cases because the number of businesses is so great. And there's also public -- additional public notice requirement in our proposal for the Type I because certainly neighbors need to be involved in that process of alerting them and also providing input.

BARCA: Thanks.

LEIN: Any other questions of Mr. Lewis at this point?

LEWIS: Thank you very much.

LEIN: Thank you. It was good work, appreciate it. Mitchel Hensley.

HENSLEY: I have nothing to say.

LEIN: Brenda Fairbanks.

FAIRBANKS: Thank you, no.

LEIN: Al Wasser.

AUDIENCE: He just left. Thank you, no.

LEIN: Gary Mills.

MILLS: Yes. Yeah, my name is Gary Mills and I reside at 12710 NE Potter Road, Battle Ground, Washington. I do apologize that I haven't stayed current with the ongoings of this committee and of the task force. I did try to become involved initially. I was declined a position on that task force and I did accompany some of the people to the first few meetings. To me it seemed like there was a direction that was being pushed by a group in that task force and some people who I felt would probably be more conducive to the rural business community did resign and seemed to withdraw, so I feel that this recommendation to you is somewhat biased in its position.

Some things that I was involved in initially that go back to the last comprehensive land use plan and one of the things here is that it says this proposed ordinance, which I'm assuming speaks specifically to home based businesses, was addressed initially in that last adoption that we did have and one of those was the one vehicle parking. Now I was involved specifically in that because I saw the handwriting on the wall even when that was adopted and it was not addressed to backhoes, tractors, dozers, graders, any type of equipment that was used for logging, road construction or that because so many people were upset with trying to regulate that. So the language was not exclusive, it was inclusive in my opinion, and what I've heard here tonight says that it was excluded and I have mine highlighted.

Proposed ordinance allows for the vehicle and equipment in rural home occupation according to the table where none is currently allowed. What I'm hearing said is that by stating only one truck is allowed, everything else is excluded. I beg to differ with that position. The one truck was included to somewhat try and cap home based business and that was all that the community would accept. So everything else to me was included, not excluded. That goes on, the proposed ordinance allows storage for rural major home occupations which are not allowed at the current time. If I read the current code correctly

it does allow for building materials and it's defined in the code. The home based occupation may not allow for it, but the general code does, and there are limits of how many units of lumber and how much storage material you can have, so those things are already regulated. So once again you're saying that it's not allowed and I'm saying it already is allowed. There are limits on it of course, but it is allowed.

So I believe there's a lot of biased in this. I'm not familiar with the thing that's being presented by this Fish First and Citizens United, but it sounds like it might be more reasonable. One thing that I would say is I saw that you guys just adopted some language for Section 40. It sounds to me like maybe the whole code should be gone through again and evaluated for things such as building materials and codified and solidified rather than have it spread throughout the current adopted County Code.

I had some other questions or comments. And it says here using the modified task force recommendations, well, did the task force modify them or was it a majority report. Interesting. With additional standards it goes on to say the original intent of the draft or a home occupation is to accommodate some measure of rural home occupation, but to ensure that additional standards, well, that's what I think because this code is more restrictive by implication, maybe in the general code. If I go back, and I haven't read the current home occupation portion, then it may be more generous, but I believe the general code in itself is much more liberal.

Let's go on. Okay. It goes -- down here it says the staff recommends that on-site retail sales and wholesale and manufacturing businesses be prohibited and then they have some exceptions. Well, I have some rental properties that I rent, people come by and pay their rent, is that a retail business at my home. Is that excluded. Do I have to apply for a permit. I'm not going to do that, that's bull. They come by and drop a check off for goodness sakes. And maybe I fill out the paperwork for renting a house, am I going to have to go to the site and do that then so I stay legal. I don't think you people are really thinking about what you're saying. How about the firewood sales, are we going to call that "forestry." I'm selling it to someone to burn in their fireplace, it's a timber product, but it's a retail sale. How about horse barns, you know, I contract to board your horse, that's probably going to fall under "agriculture." What if I let you park your horse trailer there, is that still an agricultural use or is that a retail use for horse trailer parking. Is that then covered by the code.

I think you guys are making yourself a lot more work than you need to. I have tree toppers, what if I treetop when, if I work out of my house. I know a friend that tops my trees. He's not topping my forest trees, he's topping the trees around my rental properties. He works out of his house in and around Yacolt, is that a retail sale when I go to his house and ask him to come out. You're not going to allow that. Anyway, I could go on and on. What I will do is allow myself the right to speak at any future meeting and I do appreciate your time this evening.

LEIN: Any questions of Mr. Mills?

MOSS: Yeah, I have one. I want to make sure that I understand. You have some history

here with the code as it exists right now and that --

MILLS: Well, with at least portions of the code as it exists right now. I haven't, I haven't read the entire code.

MOSS: No, I'm trying to follow up and make sure that I understand what you said about the limitation on vehicles and that your understanding was that the intent was only to apply that to trucks --

MILLS: Correct.

MOSS: -- and not to all other --

MILLS: Correct.

MOSS: -- types of equipment?

MILLS: That's correct. As I understand that there was going to be some sort of limitation. And I was involved in that conversation, I went to most of the EIS meetings, and I went to the County Board when they approved this. The compromise at that time was just to try to limit vehicles, large, you know, 90,000 pound gross vehicles, okay, and there was quite an uproar at that time, but I think most people either by -- there was so many other things happening that most people chose to say, all right, you know, I have my one dump truck or I have my log truck or whatever and so they accepted that language, but there was discussion about are we going to regulate trackhoes, are we going to regulate log loaders, are we going to regulate dozers, and those things were not included. Because I mean they had armed police officers at the hearings, that's how intense it was. Okay.

So there was a lot of controversy and there was a lot of people that were really upset and felt that their rights were being taken away. This is in my opinion yet another take. This is not a more liberal interpretation, it might be of the home based occupancy specifically, I'm going to go back and read my copy of the anointed code. But a lot of -- just like I heard this gentleman over here say earlier when we started, they codified because there have been little bits of it chipped away at over the years with very little public comment and they -- and then codified all those rules under Section 40. The same thing has been happening I feel to the home based businesses, so now it's trying to be stated in this document. Their task force I believe was flawed, I don't believe you really received the kind of input that you should, and that's part of the reason that I'm here.

I mean one last point that I will make is about 70 percent of the lots in the rural environment are nonconforming. That happened at the last adoption. They made broad sweeping gestures with the pen to meet the UGMA and they made areas 5-acre zones, 70 percent of the lots in 5-acre zones are nonconforming. They made 10-acre zones, 70 percent across the board there's nonconforming. You try to limit the size of the gravel turnaround area, you try to limit the size of your parking area, I mean it's really absurd.

LEIN: Any other questions of Mr. Mills? Thank you very much.

MILLS: Thank you.

LEIN: Ed King.

KING: I'll pass.

LEIN: Thank you. Scott Ostreim.

OSTREIM: Pass.

LEIN: Steven, I cannot pronounce your last name, Figueroa.

FIGUEROA: Does it look like Figueroa?

LEIN: Yeah.

FIGUEROA: I'll tell you what, I'll pass because everybody here is so dang eloquent.

LEIN: Okay, thank you. Bruce Spahr, lives on 78th Street. Okay. Gerry, I can't see your last one, 22410.

EGLAND: Yeah, that's me.

LEIN: Okay. Sorry.

EGLAND: Good evening. I'm Gerry Egland, I live at 22410 NE 83rd Street, Vancouver, Clark County. I operate a small business, home based business, dump trucking business, and have been doing so for 10 years and I'm one of the 886 businesses in Clark County that are probably small enough to be able to operate off a small parcel of property. I've seen several people around here that are the, the faceless ones that you don't see every day that run around and do the building of Clark County. I first moved here in 1977 and I've been building Clark County ever since. All the faces you see behind me that I know of over the years I've seen out in the public doing the work, we're all, we've all been here in the trenches building the houses, building the roads, paving, you know, all this stuff, that's what we do every day.

We can't endure this type of an ordinance that restricts us in our hours of operation. The hours of operation don't even come close to what we do in a real time activity. There's no way that I can levitate my 40,000 pound dump truck from my residence to the gravel pit or some gentleman can take and move his backhoe and dump truck or his blade CAT, whatever, from his residence, start it up and appear on a job site one minute later from 7:00 in the morning to 7:01, it does not happen. We don't sometimes quit until the sun goes down and a lot of times in paving we don't start until the sun goes down, we just can't get there.

So what I'm trying to say is the hours of service, they don't work for everybody and they

don't work mostly for anybody. We just can't go and be restricted when we can be told to come and go and try to make a living at this. The margins of operation for any of our construction activities are very small. With the prices of insurance, the prices of fuel, the prices of labor, taxation, they've hurt us really bad in the last number of years. And I've worked really hard to try and stop some of that, but it just keeps continuing to just dog us all the time and we just can't endure any more regulation, it does not fit for us. Thank you for your time. Do you have any questions?

LEIN: Any questions of Mr. Egland?

BARCA: So are you then opposed to the Rural Business Coalition's guidelines?

EGLAND: I haven't seen that, but as if it would restrict us in the hours of operation like Mr. Lewis is saying at 5:00 in the morning, I sometimes don't get home from paving until 5:00 in the morning. I can't levitate my dump truck home quietly. I try. I can't do that.

BARCA: And I understand the issue of not being able to manifest physical objects without that. I guess I will go back to the aspect of your neighbors though, and perhaps not yours specifically, but the aspect of the neighbors of businesses that need to operate within the extended hours. Summertime is a busy time to build, how does that get mitigated in your opinion?

EGLAND: Well, our neighbors, they all understand what I do and we've all talked about this several times and they, they understand that it takes different people from around the community to live and work and do everything, but not everybody does the same job. My neighbor works for the County Extension and he's gone from like about 9:00 at night till 4:00 in the morning he comes home, well, the dogs in the neighborhood start barking and carrying on, the lights come up the driveway and I see them and go back to sleep, well, that's just kind of what happens in the community, that's what we all endure, some type of activity all the time.

BARCA: Thanks.

LEIN: Any other questions? Okay. We're going to take a break here for about five, seven minutes so that our court reporter can get her fingers working again and then we'll be back. Thank you.

STRONG: Mr. Lein.

LEIN: Mr. Strong.

STRONG: Can I make one statement in regard to Mr. Egland's concern?

LEIN: Do you want to come up to the microphone, please.

STRONG: You're going to take more testimony, are you not?



LEIN: Yes, we are (inaudible).

STRONG: My name is Jeff Strong, I reside at P.O. Box 430, Amboy, Washington. One of the things that we did on the task force was we brought the decimeter in and we measured noise levels. To answer Gerry's concern, we took a Peterbilt dump truck and we took a Dodge pickup and we measured them from varying distances and it was amazing that the noise, the difference between the two was within one decibel of the same. They were -- the Dodge pickup made just as much noise as the dump truck and they were both within the State guidelines of acceptable noise under the property lines under the State's recommendation and we're recommending that we use as a noise ordinance.

LEIN: Thank you.

(Pause in proceedings.)

LEIN: We'd like to get back to the public hearing, start that again, continue down the list. Sandy White, please.

WHITE: Hi, I'm Sandy White and I work for Representative Tom Mielke and I would like to read a letter from him because he has other duties tonight. We did address our letter to the Commissioners, but I didn't know it was quite the Commission that was going to hear this, the comments from everyone.

Dear Commissioners: Thank you for allowing me to share my concerns regarding Clark County's Home Occupation Ordinance proposal. Regrettably, I cannot be here in person, due to other commitments, but I do want to have my comments entered for the record. Unemployment in our state is at an all time high. We have the second highest unemployment rate in the nation, and Clark County has one of the highest in the state. Through excessive regulation in our state and county, we have driven out large and small businesses to more business friendly areas. We need to examine what we are doing to drive business away if we are going to keep jobs here. We need jobs if we want lower unemployment. We need business to provide those jobs. Small business makes up the majority of jobs in our nation, our state and our county, with many starting in their homes. As they gain stability, they can venture out into commercial areas. If we want more jobs and a tax base to pay the bills, we need to encourage expansion of existing businesses and the start up of new ones.

Tonight everyone is gathered here to discuss what type of ordinance would be created to regulate business in our rural areas. What I hope you will keep in mind is that we don't want to discourage business from happening, but work out what we can do to give the citizens realistic guidelines that would allow them to grow a business on their own property without adversely affecting their neighbors. Any concerns should be directed towards those home based businesses who may be adversely affecting their neighbors, addressing those issues, not just arbitrarily setting more fees on mom and pop family owned businesses, thus eliminating more revenue for the county and the state. New business and expansion of existing business will not happen if we set fees that become a

deterrent to those willing to take the risk of being a business owner. I don't understand how fees alone will solve the problems we face, and I'm sure Clark County does not want to look like a money grab for the, want this to look like a money grab for the government coffers. Common sense tells me that we doom, unnecessarily, economic opportunities if we continue down a road of exorbitant fees and unreasonable demands on those who actually want to go into business. Finally, I would like to be kept abreast of the direction the County decides to take in this matter. I would like to offer whatever assistance is necessary to make this ordinance business friendly.

And I will give you a copy of the letter. I did not make extra copies, but I will give you our card with our phone number and that on it and his letter for the record.

LEIN: Thank you. Any questions of Ms. White? Any questions? Thank you very much. Mike Watters. Gregg Heriford. Brent Rotschy.

ROTSCHY: I'll pass tonight.

LEIN: Thank you. Clark is it Lemon (phonetic)? Give an address, 17609 NE 72nd Avenue.

LENOIR: I'll pass.

LEIN: Thank you. Carra Sahler. Bill or Lynn Poteet or Poteet.

POTEET: We'll pass.

LEIN: Poteet. Okay. Paul Koskiniemi.

KOSKINIEMI: I'll pass.

LEIN: Tabitha Reeder. Steve Kangas.

KANGAS: I'll pass.

LEIN: Thank you. John Polos.

POLOS: Yes, thank you. Good evening ladies and gentlemen of the Planning Commission and staff, I'm John Polos, I reside at 20810 NE 267th Street, Battle Ground, Washington, that's just northeast of the lake, and I'm here with a couple of hats on and I want to just address you for a couple of minutes and I really appreciate the opportunity to be here. I own a small home business, we've been in business 22 years and I also had 30 years I've worked for the Federal government in Clark County so I've been, not at the same time, they overlap, I'm not that old. But anyway, I've worked for the government for 30 years, well, and in my 22 years with the home business which my son is grooming to take over we've had, we've never had a complaint ever.

And I think it's absolutely absurd what's happened to Tony Morrell, that should not be

allowed under any laws, that's just -- and I don't know how, you know, there's nothing tougher -- when I looked at your Title 40 thing there, do you realize that was thicker than the RCW 9, Title 9 and Title 9(A), the entire criminal laws for the state of Washington aren't that thick. And I can attest to that. My job at Clark County was Deputy Sheriff, at BPA I was a civil and electrical engineer. The toughest thing to do is try to come up with a law that has to be objective and at the same time has some flexibility in it. And with criminal laws that's tough to do, but I'll tell you how they do it with criminal laws, you abduct a kid, you're charged with kidnaping. Oh, it's your own kid, now you're charged with a lesser crime of custodial interference. It's the same type of crime but it's mitigated by circumstance.

Let's just say the gentleman with the auto body shop has two vehicles there and three employees and he's caused all kinds of problems for his neighbors. I have three employees and two vehicles, they show up at 8:15 every morning, quietly load the vehicle and drive out at 8:20, they come back at 5:00. I asked my neighbors on either side of me how is my business affecting you, the one said what business, the other one said, well, don't say anything, I'm doing some advertising on my computer for people.

So, you know, I looked at the County proposal, I haven't studied it for hours in detail, and I've looked at -- the only other one I've looked at is the Home Builders that Matt's been working on and the County proposal is no problem for me because you don't have a problem when you're out of business. I guarantee you I'll be out of business. If I interpret it correctly I'll be out of business because I can't afford a 20 to \$30,000 fee and I can't let one employee and one truck go and yet I've never had any kind of an impact on a neighbor of any type that I'm aware of. And we never start business until after 8:00 in the morning and all it is is two people driving in quietly and parking their vehicle and driving out. And if you do things objectively I look just as guilty, is that the word, as the guy with the auto body shop that has two cars.

So I don't know how you're going to resolve this, but the toughest issue is how do you make a law objective and how do you make it subjective at the same time. And I just I feel for you guys trying to work this out, but I'm pleading with you don't put me out of business, I want to give it to my son. And I think that Matt's idea of the impact to the neighbor approach is a good idea rather than counting things, you know, and counting square feet and counting bodies. If nobody knows you've got a business ever, then there's no impact. Thank you very much. Questions?

LEIN: Any questions of Mr. Polos? Thank you very much.

POLOS: Thank you.

LEIN: John Matson.

MATSON: I'm John Matson from 11430 NE Ward Road. I don't know, I can't say it better than some of the others that have already spoken. They've said, it covered the points real well. If you just use common sense I think we could get the job done and that's what seems to be lacking too much of the time. I would like to just address a couple of points.

One is first -- when they adopted the growth management one of the main points that they pushed on growth management that we need affordable housing. This regulation on all the little businesses, and it's a shame the time these business people have had to come down here, take their time away from their family, probably away from their business a lot of them have, it's cost them money and they're the ones that are paying the bills, and all this is going to do is up the tax and we're going to run people out of business.

The growth management was supposed to be for affordable housing. All this is doing is boosting houses and if you look at the cost in the last ten years of the houses, we're just making it impossible for our children to get started. We need to start it so they can start at the home. And most of the businesses at home have never been -- they say that they all have been operating illegally. I guess I've been operating illegally for 40 years. I detest that statement. It isn't illegal just because somebody makes some kind of a rule and says that you need to pay a tax. I think these gentlemen are paying plenty of tax. The tires, they pay the tax on the tires. The fuel, they pay. The licenses, the income tax that they have to pay on every turn, it's lucky a little business even makes a living and supports these people down here, they're the ones that are paying the bills.

I'd like this -- they've got me on a 20-acre minimum on a farm, I can't give any of my land not even to my own kids. And I'm probably half a mile from sewer and they got 6,000 foot lots down there and I can't put this second house on my 25 acres. I mean I don't want to do it now, I don't have to, but I'd like to have the option. Hey, I'm getting older, I'm not a young man anymore. If I need to pay a doctor bill, I'd like to be able to do it. I can't even do it. Well, that's not fair. But when we think of -- there's quite an issue about the Ten Commandments. One of the important things is that's the highest moral code there is and that's the only thing that's going to govern all of our lives so we can all live together. And that's the one part about stealing is we're supposed to help to improve and protect our neighbor's property and living and not take it away from them. And this country was founded on constitutional principles which built this country and, believe me, we've got a good country to live in. I'd tell anybody to go find a better place to live.

But we're fast going to a socialistic program which is destroying the backbone of the nation and that built this country so -- and that was set up under unalienable rights, which is the ownership of property, and most of these problems as the gentleman -- as Matt said, there was six legitimate complaints a year. Now that's pretty minute for the amount of people we've got in Clark County. I know. I was our neighbors' -- I've been a Commissioner for since 1980 in the Drainage District and we've had a lot of problems. If somebody calls -- well, I shouldn't say we've had a lot of problems, people call and they've, with quite a, they think it's quite a problem, but we've gone -- and other Commissioners and I, we've gone and met with the people and we've gone over the situation and we've taken care of it. We've only run assessment for two years. We've had people from the government say you should be running assessments so you can get some money in there. Well, we don't need the money.

We take care of it by a person by person situation and we've been able to take care of it and the people are happy out there because we told them, hey, if you want the District to take care of it, we could, we'll do it, but it's going to -- your taxes are going to go up, we're

going to have to run an assessment and you're going to be paying a tax, well, they're willing to go out there -- most of it is to go out there with just a little bit of labor. And that's all most of these problems are is a put a little screen up, it's pretty easy. But it seemed like, you know, I don't, I don't like Vaughn's car over there so I'm going to make him plant a whole bunch of trees over there, well, why don't I go and plant some trees if I don't like the looks of his car.

I mean to me if you see a log truck sitting out on a piece of property, I mean I know there's a guy that's working and he's paying his taxes, feeding his family, I mean I like that. My farm, little piece of ground that I had, my brother took the crop off and the saying you make hay when the sun shines, I mean putting a limit on the time when you've got to go. I woke up in the morning with a chopper out there by the bedroom window going by 1:00 in the morning, well, that's when they had to chop that hay because there was enough moisture on and you can't get too much moisture. Well, I woke up and I said (inaudible) that's just music to my ears to know that somebody was out there, you know, doing something productive whether it's 1:00 in the morning. Well, I mean that tractor putt putting out there just put me right back to sleep.

And it's -- so we need to common sense on this thing to work together. You know, there's, sure, it's I think -- well, there's too many people, there's just too many people out here, it's getting too crowded. The roads are too crowded. I just don't like to live out here, I wish I could afford to move somewhere else. I'd like to go somewhere else where it isn't -- well, it's not too crowded because John's here, it's too crowded because Ron's here. Well, you know, that's a selfish attitude. You know what, if it's too crowded, well, let's -- the guy that thinks it's too crowded, let him move out, you know. And that's where the problems generally come from. But anyway, let's use the common sense and don't tax these little guys out of business.

I know a guy that runs a little business up there and the neighbor kids that since they've been in probably even grade school they've gone over and they've washed the vehicles for him and washed their truck and probably gassed it up. And after a while they get a little older and they can move the truck, unload things, the best vocational training we've got. There's a good share of those kids they're in their own business because they've had a training that they've been able to do something and they're what's building this country. So let's don't kill something that we've built America to this point. We can see it's fast going if we keep on the track we're going. We need -- we're a republic, we're not a democracy. A democracy is controlled by the best organized minority. A republic is ruled by a set of principles and then majority vote and I think we can all work together. We've got along this far, let's keep going. Thank you.

LEIN: Thank you, John. Bruce Kincaid. Teri Moyer-Gilbert. Oh, I'm sorry.

KINCAID: The name is Bruce Kincaid, I live at 40020 NE 48th Street in Washougal. This very rural, rural Washougal, almost Skamania County. I think I favor the idea of the Home Builders Association, their performance standard. My personal situation is I'm in the middle of 60 acres of ground, the nearest neighbors are a quarter of a mile away. I think I probably have too many vehicles to comply with any of the matrix functions and yet

I don't bother anybody. It isn't a private road, it's a County road that we access my property on. I instruct anybody working for me keep their speed down, don't make the neighbors feel like they need to complain about anything and they never have. Questions?

LEIN: Any questions of Mr. Kincaid? Thank you very much. Teri Moyer-Gilbert. That concludes the sign-up this evening. I'll open it to anyone else who wants to come forward for testimony. Please step forward and state your name and address for the record.

GILBERT: My name is Susan Gilbert, I live at 2600 NW 329th Street in Ridgefield. I own 36 acres and farm it. I was a member of the task force. I want to just for the record would like to clear up one misconception about the -- well, there are many misconceptions, but one that I'd like to clear up about the task force, we were by no stretch of the imagination antirural business. If we had been, as some people have intimated tonight, it wouldn't have taken us 19 meetings to come to an ordinance that we thought would help both sides. And it took a lot to bring both sides together and we were pretty proud of ourselves when we were all done, all of us.

And for the record I'd also like to say, and I think, Gordy, you can back me up on this, or correct me if I'm incorrect, we recommended that the fees for a Type II that there be some sort of a reduction in fees because we felt that the fee structure was way too high for rural businesses, but we were told at the time that that meant the change in policy and my comment was maybe the policy needs to be changed. Now I don't know if that's true, but we did recommend that we have a lower set of fees for the Type II and that apparently can't happen, the fees remain the same for a Type II in this ordinance.

EULER: It would take an action of the Board to adjust the fee schedule, that doesn't mean it isn't possible.

GILBERT: Okay. So for the record that's what I would like.

EULER: This would take an action for the Board too.

GILBERT: For the record I would like to say that that, that we did recommend that because we do feel that the rural businesses are unfairly burdened by high fees and I suggest that you look at that very closely. Thank you.

LEIN: Any questions of Susan? Thank you.

BARCA: I think for clarification on the record, Susan, on Page 2 of the staff report they do express the task force's opinion that fees for home occupation were too high.

GILBERT: Okay. Thanks.

LEIN: Any other public testimony?

COOK: I'm Howard Cook, 42107 NE Yale Bridge Road, Chelatchie, Washington 98601-4600 and hopefully whoever recording this will be able to get the address correct, they've had failings to do that in the past. I've asked to be notified when these meetings occur because I'd like to be attending those on behalf of the fire district and our community up there and we don't get notified because the staff changes addresses.

I have some questions about buildings. I've got plenty of buildings on my property and yet in this thing they come up with some of the most ridiculous sizes for the acreage that you've got. One of my buildings is about four times the size of the allotted thing on here and it's already been approved by the County, everything's been approved by the County, and you're coming up with these crazy ideas that something's going to have to go, that I'm going to have to tear down my buildings to be in compliance with this code to have a business. Can you tell me?

LEIN: Well, I don't think the intent is to have anybody tear down, it would be a preexisting condition.

COOK: Would I be an outlaw if I otherwise?

LEIN: Probably.

COOK: I've got four vehicles and I can't have those; correct?

LEIN: I don't honestly --

COOK: I mean you guys are on the panel here, you're the ones that's setting this up for the community and the community --

LEIN: No, we're here listening to the community.

COOK: You're listening, but ultimately you're going to be the ones that recommend this too so you're the ones that are doing it; correct?

LEIN: No. The staff has --

COOK: Yeah.

LEIN: The staff has provided information to us, we're here for public testimony.

COOK: Right. Okay. I have gone before the rural center community meetings when they have those and when the staff made the recommendations for those particular things for the community centers, what was recommended, and when you come back to the next meeting that came from the staff out of the County things got changed a lot and I would like you guys to be well-aware that the County inside the infrastructure does change things and from what we get public, out in the public, it's different than what had come from the public and their input and that needs to be watched closely. I would like to see a definition sheet that's covered better, that covers this what do they call accessory

buildings and have it defined better what that means, it's not well-defined in your category. That's it. Thank you.

LEIN: Any question of Mr. Cook? Thank you, sir. Any other public testimony, please.

AMSELL: To the Board, my name is Keith Amsell (phonetic), 1900 NE 189th, Battle Ground, or Brush Prairie, excuse me, 98606. I would like to put a personal face on what this is going on right now. First of all, I'd like to give you just a very short history. 15 years ago my wife left me with a 9-year-old and an 11-year-old, I made a choice at that point to start a business out of my home so that I could be with my children. This proposal as I see it at this point would make that so that economically while I struggled very hard to complete and support my children that would have been the end of that. I would not have been able to be with my children, that wouldn't have happened. A very small personal thing. Secondly, you may have noticed when I walked up here I'm handicapped, had polio at a young age, I must have a business of my own. I need to work out of my home. Do you wish to regulate me out of that. Interesting concept because it so happens I need a building to do what I know. As a young man I worked on automobiles, restored plastic automobiles, I still do that. You wish to put me out of business, well, that's interesting.

The next point I'd like to make is that a lot of us are getting older, we may not have been able to put away enough money when we were younger, we might not have a retirement, Social Security as we all know is very minimal. I need to work. I have to create some income. I can do it completely under the wire and not have my State license and not comply and not do everything or I can do as I am doing and that is I have my State license, I do pay my taxes. I pay another home business, that's my accountant, that takes care of all my bookkeeping, I guess you're going to put her out of business too because I know she doesn't make a lot of money, but she's been very adequate for me.

Lastly, my fourth point is I'm very fortunate in that I did have a skill. I have a young man from Battle Ground High School who is working through a two and a half year European style apprenticeship under me. I'm working with him, he's a great young man, and if I have to close my business because of taxes, because of restrictions that I can't do things on my own property, this young man will be on the streets. I got him into Clark County, into Clark Community College, it looks like he's going to go. Without people like myself who give a darn who have small businesses that put a personal aspect on this, it's a very large discredit to the County, to the people and to us who do attempt to be productive people within our society. Thank you.

LEIN: Any additional public testimony, please?

VINTHER: My name is Christopher Vinther, I'm at P.O. Box 2558, Battle Ground, Washington 98604. Thank you very much for the opportunity to speak on this very important issue.

I just want to kind of give you a little background, a short background of what occurred to me. And it seemed like this permit process is kind of, kind of denied my dream of



wanting to be self-sufficient, you know, make a little hobby into maybe a, well, business, a good business. But I've been denied because of the -- it seems like the unusual high fee on the permits for a Type II. When I first came into this because I have an external building, then I was a Type II person. If I had worked in my garage that's attached to my home, then I would have been a Type I and the fees are considerably different, \$318 for in your house, outside it goes up to \$4600. And I don't have any employees. I don't have any trucks. I'm just myself. I make rustic furniture and accessories. I hardly make any -- have any power tools, many of my tools are hand tools. And one day a white Jeep came in my driveway and said that they had complaints from the neighbors about me saying that I was making lots of noise, I had lots of people coming to my house, I work at night and none of those things were true. So he says that I was out of compliance and that for me to conduct business for making anything that I sell that I'd have to get a permit.

So I went into the house and I called the County and they told me at that time it was \$4300 basically on the fact that I have an external building. Now if I worked in the basement, which I don't have, it would be \$318, but because I have an external building I perceived myself as a menace to the community. I had to have a big -- they had to go through and do a big proposal and had to do a neighborhood hearing, they had to put it out to the neighbors to find out. And another thing that I found out about when I called the County is I went to the Web site and the Web site specifically says if there is a problem, a neighbor has a problem with somebody, that they must first -- before calling the County at all, first go to that person and try to work it out. If they can't work it out then they bring the County in. No one, no one, no neighbor has come to me at all and I find it kind of ironic that the Code Enforcement doesn't even enforce their own rules which was did they ask the neighbor whoever it is, I still don't know who it is, did you try to discuss it with him and if so did it not work out. So that never occurred. So we just jumped that rule and mandate and went right to the County.

And so further I was trying to figure out how can this fee be so large. How can it be justified. And that's what I'd like to submit to you is that when you're thinking about my story does it make sense and I couldn't figure it out. So I called the County Commissioners and I talked with the person there that was really well-versed with this and we went back and forth with phone calls for a long time and so finally I put together a fee justification. I couldn't figure out how the fees were so high because he couldn't tell me, and so I put a fee schedule together, \$15 an hour, \$20 an hour, 25 and \$50 an hour for a County employee to determine if I was compliant. For \$15 an hour it would take 236 hours for a County employee to determine if I'm compliant. At \$20 an hour it would be 177 hours. At \$25 an hour it's 141 hours. At \$50 an hour it's \$70 and, 70.86 hours. So I ask you does this make sense.

So once I submitted this then I finally got the call back from the Commissioners' Office and they said these fees are based on all of their overhead, all the employees in the Department of Community Development, their insurance, their wages, their vacation, their medical, their cars, the insurance on the cars, the electricity and the water. And so I was still confused and I guess I have to ask again, does this make sense. And so on July 22nd, 2002 I addressed the Commissioners with this same issue and I read that fee justification and Commissioner Pridemore said I was wrong, it's not \$50 an hour, it's \$65

an hour. And I said to him, well, is that fair and he says it's applicable, he says. So again does it make sense.

And so then I wrote -- so then soon after that Commissioner Pridemore put together a voters' pamphlet because he's running for reelection and in that pamphlet he says in a second term Craig will focus on the update to the County land use plan and efforts to attract new jobs to Clark County both from new and existing businesses. So again I was confused. So because, because in, because -- so I wrote back in my letter to Mr. Pridemore and I said, okay, \$65 an hour, I'm a one-man show, no employees, no trucks, no, nothing at all. I live on two and a half acres by the way. And so I was confused and I said I'm confused and unclear that it's your goal to attract new jobs to Clark County for both new and existing businesses, why was a unanimous vote recorded by the Clark County Commissioners last December 2001 to raise the home occupancy permit fees by 60 percent. So I look forward to his response.

I did receive a response from Commissioner Pridemore, a five-page letter, which I was very happy to see and read. Unfortunately that question was never answered, but I did get this from his letter. It says, first, and don't scoff at this out of hand, I fully share your concerns about home occupancy permits. I usually abbreviate as HOC and I'm sure that it will follow. And he says, quote, I do not like the way the current, it currently exists and I would like very much to see them changed. And he also said when I made the comment at the hearing that the fees were applicable I hope you recognize that it was unpleasant, even painful, acknowledgment for me to make. In any event, I didn't mean to imply that I thought that the fees were reasonable or necessary. Further in his letter he states "I have given County staff and some members of the task force my thoughts on the issue. Those thoughts range from my belief that the County has no right to regulate any activity that doesn't have a demonstrable impact on others. It's my belief that we need to develop more rational, less expensive processes for granting approvals." So I'm confused still because in 2001 it was a unanimous vote with the Commissioners to raise the fees by 60 percent and so that's, that's my story.

So what I would like to talk about is a couple of things and make a couple of recommendations for what -- but just to digress for a minute. If HP, Hewlett-Packard, Apple Computer and Harley-Davidson were in Clark County they may not be businesses today and employ hundreds of people and they generate millions of dollars. So there's two things that I would like to suggest and recommend is that, first, anonymous complaints, that's, that's, that's something that Commissioner Stanton said that she believes in. I think that if you make an anonymous complaint and there's no follow-up or there's nobody saying have you talked with them and what's the story, then I can make a complaint about anybody and they can be pretty much run out. And so I think that there should be some sort of change like that in that law, in that provision.

And as well I'd like to recommend that because I have a 400, over a 400 square foot building that I'm working in, then I'm pushed into the Type II, so I feel as well that a one size fits all law does not make sense because I have no employees, but if you're over 400 square feet, well, you're Type II and when you have to go out to the neighbors and ask if I can build here and do what I want to do, so that doesn't make sense either. I think that, I

think it has to be on a case-by-case basis because one size does not fit all. And finally I'd like to recommend and suggest that the type -- the fee for myself I think should be like a Type I fee that's the last time I looked it was \$318. It could be changed because in the Reflector article a couple of weeks ago I think they quoted Gordy as saying it's the Type II permit now is \$4600. So I think it's more applicable for \$318. I make no impact of my neighbors, I don't wish to do that, and so I just want to be a good citizen and I would hope that you would recommend to the Commissioners some reasonable fees and some guidelines.

LEIN: Any questions from members of the Commission? Thank you.

VINTHER: Thank you very much.

FIGUEROA: I'm Steve Figueroa, P.O. Box 39 in Yacolt, Washington, or, yeah, Yacolt. I thank you guys for your time on coming on down here. I am not a small business owner; however, I am a member of the community. I lived up -- moved up out of Portland into Yacolt about eight years ago. My major current gripe is the urbanization of rural Clark County. My main complaint and my observation that I see, and I admit that I am not up to speed as I will be in the September meetings, but it looks like you guys want to take a newt to a gnat.

First off I'd like to offer my help to Mr. Morrell because evidently he's running at a wits end and I do have some resources and we are all neighbors. There appears to be mechanisms that can address some of those issues. Also, if you would entertain I would like to ask a question of the Board. What is the environment, or excuse me, what is the economic impact of both if the enforcement of the existing proposal and of the two different proposals that are, what's the impact to Clark County in dollar figures?

LEIN: I don't think we can answer that because the impact that we just got from the BIA, the information has just been distributed in the last couple of days.

FIGUEROA: Well, that's what I'm -- hopefully that will be forthcoming in the September meeting. But it seems like this might be premature if we don't even know the cost. Not only is it the dollar figure in tax revenue to Clark County, but it's wages, food, housing and livelihood to the community members.

BARCA: But to genuinely get that figure you would have to get a commitment from the business owners that they would cease business should one of these ordinances be adopted.

FIGUEROA: There should be a fair number of businesses that are already licensed in that you guys can take a cross section of who are already licensed businesses in Clark County, go out and query them and find out if, number one, if they are in compliance of the old deal, like Matt has already done part of that, to see which would be compliant and which would not and you should be able to extrapolate, although it would not be clear, it would be a thumbnail sketch about what the impact is going to be to say we're going to implement this and then, oh, God, by the way it's going to cost us, what, \$15 million worth

of income out of Clark County per year. That's what I'm saying is you're asking to implement something, and it's bad enough that it's dollars, but that's food, that's support for the people and a lot of the -- with the exception of the last two people, a lot of the focus has been on heavy equipment. The Grange of America is coming on and depending upon who's figures you go, Social Security is supposed to be broke between 2028 and 2036 depending upon which cooked figures you believe and people will probably like to have additional income to support themselves. What you guys do today or will do over the course of the next year is going to have a major long reaching impact and it needs to be carefully considered and the cost and impact and the livability of Clark County and that includes the enjoyment of the rural experience, although I think the rural experience in Yacolt and Amboy might have been a little different 100 years ago, but we have to take consideration of that as well as people being able to feed and house their families. Thank you.

LEIN: Thank you. Any additional? Please.

LENOIR: I kind of chickened out when it was, when you called my name, but my name's Chuck Lenoir and I live at 17609 NE 72nd, and I'm across the way from John Deere Tractor and I've had a small business there for five years. It was a concrete mason business when I bought the house and, well, I can't believe I'm talking in front of people, but it's not like myself, but I've been up since 3:30 this morning cleaning up for my inspection tomorrow, that's when they're supposed to come, and I had, I had was told that nobody and none of my neighbors had complained, but it was a -- but they couldn't say who it was. And it may be a business down the road or something.

But I'm a one-man shop, I do auto body but I do mostly auto frame repair, I have a lot of equipment for that and that's my specialty. But I was kind of went into it not being a real business person, but I was good at what I do. And we had had -- about five years ago it got real slow where I was working and we had just adopted two more kids and special needs and the wife was saying, well, I could really use you at home, so I kind of just went into it. And so, anyway, a couple of months ago I was told that somebody complained and all this and so I've been trying to get my paperwork ready, but I wasn't able -- allowed to work. And I was under the assumption it was \$2600, now I'm hearing 46, now I'm not feeling -- I'm even feeling worse now. I don't know.

But I'm just -- it's just me, there's no other employees or anything. But so I'm not sure what I'm going to do there because I have been having garage sales, that's where the mess, a lot of the mess had come from selling everything I own to try to get the money. And I've got the paper just about ready to turn in, but I may not have the money now if it really is 46. But I suppose I'm not, I'm a little flustered so, and tired so I'm not sure what else I could say. But I can't really get a job making what I had been making. And I don't have a sign, I just do referral work. It was just, you know, and since I've told people that I, until I get this straightened out I can't do any work my phones have quit ringing anyway. So anyway I just, I guess that's probably all I have to say. I'm sure there's more, but if you have any questions.

BARCA: Mr. Lenoir, how big is your building you work out of?

LENOIR: Well, it's -- I have two existing buildings that the mason used, he used it for his pump truck, it's a big one, and that's where I have my frame rack and that's where I do the majority of my work and I --

LEIN: Excuse me, Mr. Lenoir, we're having a hard time hearing you in order to --

LENOIR: Oh, I'm sorry. Oh, it's actually two buildings and it's probably around, altogether the whole buildings about 1500 square feet and I use the 900 square foot size for the majority of my stuff that I had. That's where my frame equipment is, a big machine. But as far as there's usually my cars in there and stuff too so it's kind of the, you know, I don't utilize all of it all the time for customer cars. But I also was told that you can't park any outside either I believe. So I'm still figuring it all out and, you know, trying to put it together. But anyway.

BARCA: Thank you.

LENOIR: Okay, thank you.

LEIN: Additional public testimony? Please.

RITOLA: I'm Paul Ritola, I live at 8512 NE 244th Street, Battle Ground 98604. I just have one comment on the fees. Now these fees if we use the Golden Rule or something like that, you shouldn't put the fees up any more than what you'd be willing to pay yourself. That's all I have to say.

LEIN: Gordy, do you have some response to fees?

EULER: Mr. Chairman, if I may, I've heard a lot of numbers being thrown around tonight. Clark County Code, Title 6, Table 6.11A.010, preliminary plan review fees, Type I home occupation is \$79 dollars. \$79.

AUDIENCE: None of which we fit.

AUDIENCE: Where is this figure that's coming out at 4,000 that's in the paper?

EULER: Good question. I'd like to know. Somebody said I was quoted. Type II home occupation \$2605, 2605. This is as of May of '03, the latest update.

AUDIENCE: That's under the current code?

EULER: This is current fee structure adopted by the Board.

AUDIENCE: If they have to look at that (inaudible).

AUDIENCE: Just off the top of my head that the Fire Marshal would to have an inspection and the Fire Marshall asked me to have my driveway surveyed to make sure

that a truck could pull around it, so that's above and beyond the fees I think you have in the (inaudible)?

EULER: Yeah, I think you're correct. This is a home occupation fee, it's not building, it's not habitat, it's not site plan, it's not SEPA, this is home occupation, that's all we're here to talk about, that's what this ordinance is about.

ANDERSON: Hi. I know it's late. I'll be quick. My name is John Anderson, I live in Battle Ground, Washington, 21103 NE 178th Court. Like a lot of the people here we started a home business me and my wife to be home with the kids and that grew. And we've been in business for 13 years and with today's technology, computer-wise, people working on-site has really, you know, has grown because just a lot of business have grown that way and that's how our business has grown. Well, now on any given day we have from four to six people that come to our property and we've never had a complaint. We've been in business for 13 years, we're about ready to launch out into, you know, the corporate world, but without being established the way we have through the years we could have never been to this point. And I think we work in about 1500 square feet.

And I know none of these things fall in the category, but we've never had a complaint. We've paved our driveway, we're a blessing to our neighbors and our community, we pour dollars back into our community from our business, we've been a blessing to our community and I don't feel in any way that we've taken away from our community. If anything we've blessed mothers who can come in and work their schedule and go home and be with their kids at appropriate times. So I think taking a case-by-case basis is almost the standard when it comes to this kind of thing because not everybody will fit into one criteria, but yet a business can succeed and be a blessing to the community and to the neighborhood at the same time and I think it's just a matter of taking a look across the board and taking a case-by-case look at what people are doing because it can work.

And we're testimony of that because I know that -- we didn't know anything about this. We didn't know about any of the process, any of the regulations. We went to build a building and we had right there on our permit for our building it said "office." The County gave us a permit to build this building and then on the final inspection the guy came and said, no, you can't do this here. Well, that was after the whole thing was up and done. I was like blown away. I said you gave us the permit and now you're saying we can't do it. And fortunately they've allowed till this, till this committee has decided what our fate is really. And we haven't not been in the position to make that step into the corporate world, but, you know, we have been a blessing to our community and I believe you can have a small business in a rural area. I understand in the city. In the city it could not be done, but in a rural area I think there is opportunity to have certain businesses thrive and then step into the corporate world. Microsoft, for example, started in the garage, where would we be without that corporation. I mean it's doable. We just need to work and come to an understanding of how it can work in a rural area. I'm not talking about the city, I'm talking about a rural area. Do you have any questions?

LEIN: Any questions of Mr. Anderson?

BARCA: Mr. Anderson, how big is the building you built?

ANDERSON: About 1500 square feet, but the part we use, yeah. About 3,000 square feet, but the upstairs is used primarily for just storage or whatever, our home, you know, stuff is.

BARCA: Thank you.

ANDERSON: Anything else?

MOSS: Thanks.

LEIN: Any additional public testimony, please?

COOK: Can I make a comment from back here?

LEIN: No. Excuse me, we really do need to have you come up.

COOK: According to our trusty Reflector the permit for a minor conditional use --

LEIN: Mr. Cook; correct?

COOK: Howard Cook.

LEIN: Howard Cook. You have to re-identify yourself, please.

COOK: Okay. Howard Cook, 42107 NE Yale Bridge Road, Chelatchie, Washington. And according to the Reflector a minor conditional use permit is \$4,615 and it's \$13,808 for the other major permit. And that's according to Clark County Code, Title 6. So wherever they got that from. And that's what the people are getting upset about.

LEIN: Any other public testimony at this time?

MILLS: Yeah, Gary Mills again. I heard some reference to a fee. I think part of the confusion may come, and I don't know, I'd probably ask for qualification, in your draft here on Page 16 there's a pre-application conference. I'd ask if there's a fee charged for that and what documentation would be required. Somebody likes us.

EULER: That's good to know.

MOSS: I think it's 670.

EULER: The current fee is 670.

MILLS: So what I'm hearing is that it's true according to the current code that it's \$78, but in order to comply with this it's 600 and change then. It says right here I've got to have it, I got to have a pre-application conference for a Type II business. Isn't that a fee? So isn't

it misleading what I just heard you say?

EULER: For a Type II business, you're correct.

MILLS: Yeah, okay, thank you very much. So I'll just -- I guess he stands corrected in that the fee itself is only \$2600, but I got to come up with another 680 bucks. And that's only one. That just took me two minutes to find that one, I haven't looked any farther. I see all kinds of submittals and forms and paperwork, I heard some conversation about the fire, so I believe once again it's misleading.

And the next thing I would say is I did make a comment earlier, my name was Gary Mills, I don't know if I stated that, but it says in here that I got to live on a two and a half acre parcel. I spoke earlier to the fact that about 70 percent of the lots are nonconforming, so you're going to reject people who are less than two and a half acres but they're on a legal lot, created legally. If you come to my house I'll sue you. I will, I personally will. Because it's a legal lot approved and a house was built, so maybe this should read that any legal lot in the county rather than set yourself up for a lawsuit because of a two and a half acre minimum, 70 percent of the lots are nonconforming. The area that I live in is a 5-acre overlay; gentlemen, there are no 5-acre parcels in the entire neighborhood, come on. There's three businesses that I know of on my street. Thank you.

LEIN: Any other? Jim. We really don't want to start the whole process over again.

MALINOWSKI: Jim Malinowski, P.O. Box 127. I can't resist commenting on this permit thing. I'm a Board member of the museum out in Amboy, we want to -- we talked to the County about the possibility of improving existing service road to provide additional parking for our, for the territorial grounds, we were told the minimum fees for that would be \$12,000, that's more than the cost, the cost of materials that we'd use for that thing and we'd do it all with volunteer labor. When the staff says these fees are low, the reality is when every time you try to do anything, you're talking about huge fees that are, you know, totally unjustified and unreasonable and that's why people are afraid of this any Type II permitting process, because our experience is these fees are grossly out of proportion with the work required by the County staff and grossly out of proportion with the, with benefits to the community. I mean we're, we probably will be unable to do the things we want to do because of County fees.

LEIN: Thank you, Jim. Any other public comment? Anyone else? Understand we will have a continuation of this hearing to September 18th. Okay. I will not close it, we will have again public comment on that evening, but I will bring it back to the Planning Commission. Comments from members of the Commission? Questions of staff at this point?

### **End of Public Testimony**

SMITH: I wonder if it would be possible there's -- we're looking at three different ordinances at this point and trying to keep them all straight. Would it be possible to have some kind of a matrix developed where, I know they are all so different and it may be



difficult to do, but it would be, make things a lot simpler for me rather than trying to compare how each (inaudible) is different in the proposed ordinance to the existing ordinance. Is that something the rest of you would probably (inaudible)?

MOSS: It would be very helpful.

RUPLEY: Yes.

EULER: Clarification. When you say the three ordinances --

SMITH: Well, the existing ordinance, the proposed County ordinance and Matt's ordinance.

EULER: Okay, thank you.

LEIN: Lonnie.

MOSS: With the close of this testimony I'd just like to make a couple of general comments and that's that, you know, it's sometimes an intimidating experience for folks to have to get up and speak before a panel like this and that's something that no amount of assurance on our part is going to help with, you know, it's just a tough thing for a lot of people to do this, yet we find ourselves as a Planning Commission often making decisions based upon very little public testimony and I'll tell you that doesn't give me very much confidence in that we're doing the right thing when we have so little input. We've heard some really good testimony from my viewpoint tonight and from both sides of this issue. I think I have a much better understanding of both sides of this, particularly when we've had folks tell how this affects them personally whether they're business people or whether they're affected by businesses of other people. And I do want you all to know that I appreciate your coming here and helping us understand that.

I also would like to tell you in case you don't know what our real role is here. We're an advisory board, we won't make the final decision here. The Board of County Commissioners depends upon us mostly to have a discussion that ensures that all sides of issues like this are looked at and that consideration is given to all aspects and the conversation, you know, helps them, regardless of what our recommendations are the discussion helps them to understand the issues better themselves. This isn't the last opportunity that you folks have to testify either, you know, you will get another opportunity to come before us, but the Board of County Commissioners has their own hearing and they find this helpful too. They like us sometimes are faced with very little input from the public and I just want to say that while it's been tough for many of you folks to come up here and tell us your concerns, I think all of us here appreciate the fact that you did so. Thanks.

LEIN: Any other comments or questions of Mr. Euler or direction that we need for additional information for the workshop or the hearing? Dick.

DELEISSEGUES: I've got a question. On the home occupation ordinance proposal, Matt, that you proposed, the task force put together, I just went through it quickly but I don't see any reference to fees. Could you address that.

LEWIS: I believe that --

LEIN: Excuse me, Matt, could you please come up to the mic, please.

LEWIS: I packed up all my stuff, I thought I was going home. Matt Lewis, 5007 NE St. Johns Road. I believe there's a reference to all permits will be processed via a Type I review so that would be the \$79 plus possibly a Fire Marshal review, that could be another 150 bucks but no more than several hundred dollars, and no public hearing and its administrative decision I think 14 days supposedly.

DELEISSEGUES: Okay. I'll find it. Thank you.

LEIN: Yes.

RUPLEY: I actually would if Gordy would do that for our work session it would be really nice to see some kind of fee issues in terms of what kinds of things that are there too so that we know the \$79 plus this, this and this to actually get the permit.

SMITH: And how they were arrived.

EULER: You'll have to ask the Board that question. I don't know.

LEE: We can give a brief summary of the -- every year we go back and adjust our fees based on actual costs incurred and it includes, you know, all aspects of County, be it the indirect costs that we have to pay for rent of the building, the staff time, cost of publishing public notices, everything else, all those things get wrapped into the consideration of what the fee schedules are. We can give you a brief overview of that process.

LEIN: Anything else? Okay. One last time, the workshop is scheduled for Tuesday, excuse me, Thursday, September 4th, from 5:00 to 6:30 on the 6th floor in the Board of County Commissioners' training room. And then our continued hearing is September 18th, 6:30 at the Board of County Commissioners' hearing room on the 6th floor of the new admin building. So with that we will close the public hearing and we would ask that you please exit quietly because we have a couple other things to do. So if you have conversations, please do it outside. I agree with Lonnie, thank you for your participation and hanging on for so long this evening with us. We appreciate that.

## **OLD BUSINESS**

None.

### **NEW BUSINESS**

LEIN: You all have the schedule in front of you and Sonja has also E-mailed that out in terms of your participation. If you can't commit tonight, please let her know what times you have a problem so that we know whether or not we have a quorum. These are getting pretty important. We have one, two, three, four, meetings scheduled in September and three in October, so if we start missing them we're going to start stacking up and Mr. Lee is going to be very upset. Okay. So if you can't commit tonight, please let Sonja know because I know she provided an E-mail and some of us have already gotten back to her. Okay. Any other new business?

### **COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION**

MOSS: Yeah, just maybe we could get a joint deal with the tax planning consultants to decide how to handle all this, all this additional earning.

RUPLEY: Assign them all over to me so I can become a gentle person.

BARCA: Does it take training?

RUPLEY: Yeah, it will take a lot of training for me to do that.

### **ADJOURNMENT**

The meeting adjourned at 10:00 p.m.

All proceedings of tonight's hearing are filed at Clark County Community Development . The minutes can also be viewed on the Clark County Web Page at [www.co.clark.wa.us/ComDev/LongRange/LRP\\_PCagenda.asp](http://www.co.clark.wa.us/ComDev/LongRange/LRP_PCagenda.asp)

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Chairman

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Date

*Minutes Transcribed By:*  
*Cindy Holley Court Reporter*  
*Sonja Wiser, Administrative Assistant*

*SWMIn 08-21-2003*